

NO. 51

**JOURNAL**  
of the  
**HOUSE OF REPRESENTATIVES**  
of the  
**STATE OF SOUTH CAROLINA**



REGULAR SESSION BEGINNING TUESDAY, JANUARY 10, 2017

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WEDNESDAY, APRIL 5, 2017  
(STATEWIDE SESSION)

**Wednesday, April 5, 2017**  
**(Statewide Session)**

~~Indicates Matter Stricken~~

Indicates New Matter

The House assembled at 10:00 a.m.

Deliberations were opened with prayer by Rev. Charles E. Seastrunk, Jr., as follows:

Our thought for today is from Psalm 95:3: “For you, Lord, are a great God and a great ruler above all gods.”

Let us pray. Good and gracious God, we thank You for Your rule over us. Continue to direct our lives and show us Your blessings, which You have given to us as Your people. Bless these Representatives in all that they do for the people of our State. Look in favor upon our Nation, President, State, Governor, Speaker, staff, and those who advise and work for the good of all people. Protect our first responders and those who defend us at home and abroad. Heal the wounds, those seen and those hidden, of our men and women who suffer and sacrifice for our freedom. Lord, in Your mercy, hear our prayers. Amen.

Pursuant to Rule 6.3, the House of Representatives was led in the Pledge of Allegiance to the Flag of the United States of America by the SPEAKER.

After corrections to the Journal of the proceedings of yesterday, the SPEAKER ordered it confirmed.

**CONCURRENT RESOLUTION**

The Senate sent to the House the following:

S. 614 -- Senators Malloy, Setzler, McLeod, Alexander, Allen, Bennett, Campbell, Campsen, Climer, Corbin, Cromer, Davis, Fanning, Gambrell, Goldfinch, Gregory, Grooms, Hembree, Hutto, Jackson, Johnson, Kimpson, Leatherman, Martin, Massey, J. Matthews, M. B. Matthews, McElveen, Nicholson, Peeler, Rankin, Reese, Rice, Sabb, Scott, Senn, Shealy, Sheheen, Talley, Timmons, Turner, Verdin, Williams and Young: A CONCURRENT RESOLUTION TO CONGRATULATE THE UNIVERSITY OF SOUTH CAROLINA WOMEN'S BASKETBALL TEAM ON WINNING THE 2017 NCAA WOMEN'S BASKETBALL NATIONAL CHAMPIONSHIP TITLE AND TO REQUEST THAT THE DEPARTMENT OF

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TRANSPORTATION ERECT APPROPRIATE MARKERS OR SIGNAGE IN THE STATE THAT CONTAIN THIS DESIGNATION.

The Concurrent Resolution was agreed to and ordered returned to the Senate with concurrence.

**CONCURRENT RESOLUTION**

The Senate sent to the House the following:

S. 615 -- Senators Malloy, Setzler, McLeod, Alexander, Allen, Bennett, Campbell, Campsen, Climer, Corbin, Cromer, Davis, Fanning, Gambrell, Goldfinch, Gregory, Grooms, Hembree, Hutto, Jackson, Johnson, Kimpson, Leatherman, Martin, Massey, J. Matthews, M. B. Matthews, McElveen, Nicholson, Peeler, Rankin, Reese, Rice, Sabb, Scott, Senn, Shealy, Sheheen, Talley, Timmons, Turner, Verdin, Williams and Young: A CONCURRENT RESOLUTION TO CONGRATULATE THE UNIVERSITY OF SOUTH CAROLINA WOMEN'S AND MEN'S BASKETBALL TEAMS AND COACHES FOR AN OUTSTANDING SEASON, TO INVITE THE WOMEN'S AND MEN'S GAMECOCK BASKETBALL TEAMS AND UNIVERSITY OF SOUTH CAROLINA OFFICIALS TO JOIN THE GENERAL ASSEMBLY IN JOINT SESSION AT A DATE AND TIME SCHEDULED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE PRESIDENT PRO TEMPORE OF THE SENATE, WHEREBY COACH DAWN STALEY IS INVITED TO ADDRESS THE JOINT SESSION, AND TO EXTEND THE PRIVILEGE OF THE FLOOR DURING THE JOINT SESSION.

The Concurrent Resolution was agreed to and ordered returned to the Senate with concurrence.

**ROLL CALL**

The roll call of the House of Representatives was taken resulting as follows:

Alexander	Allison	Anderson
Anthony	Arrington	Atkinson
Atwater	Bales	Ballentine
Bamberg	Bannister	Bedingfield
Bennett	Bernstein	Blackwell
Bowers	Bradley	Brown
Burns	Caskey	Chumley

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Clary	Clemmons	Clyburn
Cobb-Hunter	Cogswell	Cole
Collins	Crawford	Crosby
Daning	Davis	Delleney
Dillard	Douglas	Duckworth
Elliott	Erickson	Felder
Finlay	Forrest	Forrester
Fry	Funderburk	Gagnon
Gilliard	Govan	Hardee
Hart	Hayes	Henderson
Henegan	Herbkersman	Hewitt
Hill	Hiott	Hosey
Howard	Huggins	Jefferson
Johnson	Jordan	King
Kirby	Knight	Loftis
Long	Lowe	Lucas
Mack	Magnuson	Martin
McCoy	McCrary	McEachern
McKnight	Mitchell	D. C. Moss
V. S. Moss	Murphy	B. Newton
W. Newton	Norrell	Ott
Parks	Pitts	Pope
Putnam	Ridgeway	M. Rivers
S. Rivers	Robinson-Simpson	Rutherford
Ryhal	Sandifer	Simrill
G. M. Smith	G. R. Smith	J. E. Smith
Sottile	Spires	Stavrinakis
Tallon	Taylor	Thayer
Thigpen	Toole	Weeks
West	Wheeler	Whipper
White	Whitmire	Williams
Willis	Yow	

**Total Present--116**

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. HIXON a leave of absence for the day due to a prior commitment.

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**LEAVE OF ABSENCE**

The SPEAKER granted Rep. STRINGER a leave of absence for the day.

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. HIOTT a temporary leave of absence.

**SPECIAL PRESENTATION**

Rep. ATKINSON presented to the House the Mullins High School Girls Varsity Basketball Team, coaches and other school officials.

**SPECIAL PRESENTATION**

Rep. ALLISON presented to the House Rachel Wyatt, Miss South Carolina 2016, and Makayla Stark, Miss South Carolina Teen 2016, along with the other contestants.

**CO-SPONSORS ADDED**

In accordance with House Rule 5.2 below:

"5.2 Every bill before presentation shall have its title endorsed; every report, its title at length; every petition, memorial, or other paper, its prayer or substance; and, in every instance, the name of the member presenting any paper shall be endorsed and the papers shall be presented by the member to the Speaker at the desk. A member may add his name to a bill or resolution or a co-sponsor of a bill or resolution may remove his name at any time prior to the bill or resolution receiving passage on second reading. The member or co-sponsor shall notify the Clerk of the House in writing of his desire to have his name added or removed from the bill or resolution. The Clerk of the House shall print the member's or co-sponsor's written notification in the House Journal. The removal or addition of a name does not apply to a bill or resolution sponsored by a committee."

**CO-SPONSOR ADDED**

Bill Number: H. 3137  
Date: ADD:  
04/05/17 BEDINGFIELD

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**CO-SPONSORS ADDED**

Bill Number: H. 3209  
Date: ADD:  
04/05/17 GOVAN, HENEGAN, DILLARD and GILLIARD

**CO-SPONSOR ADDED**

Bill Number: H. 3790  
Date: ADD:  
04/05/17 BALLENTINE

**CO-SPONSORS ADDED**

Bill Number: H. 3930  
Date: ADD:  
04/05/17 MAGNUSON and MURPHY

**CO-SPONSOR ADDED**

Bill Number: H. 4005  
Date: ADD:  
04/05/17 CLARY

**ORDERED ENROLLED FOR RATIFICATION**

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

S. 568 -- Senator Sabb: A BILL TO AMEND ACT 471 OF 2002, RELATING TO THE COMPOSITION OF THE WILLIAMSBURG COUNTY SCHOOL DISTRICT BOARD OF TRUSTEES, TO PROVIDE THAT THE BOARD SHALL INCLUDE TWO MEMBERS FROM THE COUNTY AT-LARGE, TO PROVIDE FOR THE MANNER OF INITIAL APPOINTMENT OF THE TWO AT-LARGE MEMBERS, TO PROVIDE FOR STAGGERED TERMS OF THE TWO AT-LARGE MEMBERS, AND TO CONFORM THE ADDITION OF TWO AT-LARGE MEMBERS TO THE ELECTION OF MEMBERS TO THE BOARD AND FILLING VACANCIES ON THE BOARD.

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**SENT TO THE SENATE**

The following Bills were taken up, read the third time, and ordered sent to the Senate:

H. 3290 -- Reps. Stavrinakis, Clyburn, Gilliard and Henegan: A BILL TO AMEND SECTION 56-7-10, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO UNIFORM TRAFFIC TICKETS, SO AS TO AUTHORIZE LAW ENFORCEMENT OFFICERS AND OTHER PERSONS AUTHORIZED TO PROSECUTE THOSE OFFENSES TO REISSUE A UNIFORM TRAFFIC TICKET FOR ANOTHER OFFENSE INCIDENT TO A PLEA NEGOTIATION OR AGREEMENT.

H. 3823 -- Reps. Henderson, Bedingfield, Fry, Huggins, Johnson, Hewitt, Crawford, Duckworth, Allison, Forrester, Arrington, Tallon, Hamilton, Felder, Elliott, G. R. Smith, Jordan, B. Newton, Martin, Erickson, V. S. Moss, Long, Bradley, Weeks, Taylor, Putnam and Cogswell: A BILL TO AMEND SECTION 63-7-310, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO MANDATED REPORTING OF SUSPECTED CHILD ABUSE OR NEGLECT, SO AS TO REQUIRE REPORTING WHEN AN INFANT OR FETUS IS EXPOSED TO ALCOHOL OR CONTROLLED SUBSTANCES.

H. 4033 -- Reps. Hixon, Taylor, Blackwell, Clyburn, Allison, Daning, Yow, Erickson, B. Newton, Bennett, Arrington, Murphy, Crawford and Clemmons: A BILL TO AMEND SECTION 56-5-1535, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO SPEEDING IN WORK ZONES AND PENALTIES ASSOCIATED WITH SPEEDING IN WORK ZONES, SO AS TO DELETE THIS PROVISION AND PROVIDE A DEFINITION FOR THE TERMS "HIGHWAY WORK ZONE" AND "HIGHWAY WORKER", TO CREATE THE OFFENSE OF "ENDANGERMENT OF A HIGHWAY WORKER", AND TO PROVIDE A PENALTY FOR THIS OFFENSE; TO AMEND SECTION 56-1-720, RELATING TO THE POINT SYSTEM ESTABLISHED FOR THE EVALUATION OF THE DRIVING RECORD OF PERSONS OPERATING MOTOR VEHICLES, SO AS TO PROVIDE THAT THE OFFENSE OF ENDANGERMENT OF A HIGHWAY WORKER RESULTING IN NO INJURY IS A TWO POINT VIOLATION, THE OFFENSE OF ENDANGERMENT OF A HIGHWAY WORKER IN WHICH

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INJURY OCCURS IS A FOUR POINT VIOLATION, AND THE OFFENSE OF ENDANGERMENT OF A HIGHWAY WORKER IN WHICH GREAT BODILY INJURY OCCURS IS A SIX POINT VIOLATION; AND TO REPEAL SECTION 56-5-1536 RELATING TO DRIVING IN TEMPORARY WORK ZONES AND PENALTIES FOR UNLAWFUL DRIVING IN TEMPORARY WORK ZONES.

H. 3895 -- Rep. Herbkersman: A BILL TO AMEND ARTICLES 9 AND 11 OF CHAPTER 9, TITLE 11, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO REVENUE AND FISCAL AFFAIRS, SO AS TO REORGANIZE THE ARTICLES, TO ELIMINATE CERTAIN DIVISIONS, AND TO MAKE CONFORMING CHANGES; TO AMEND SECTIONS 2-7-71 AND 2-7-78, RELATING TO CERTAIN IMPACT STATEMENTS, SO AS TO REQUIRE THE STATEMENTS TO BE CERTIFIED BY THE EXECUTIVE DIRECTOR OF THE REVENUE AND FISCAL AFFAIRS OFFICE; TO AMEND SECTION 2-7-73, AS AMENDED, RELATING TO HEALTH COVERAGE IMPACT STATEMENTS, SO AS TO REQUIRE THE DEPARTMENT OF INSURANCE TO CONDUCT THE ANALYSIS; TO AMEND SECTION 4-10-790, RELATING TO DISTRIBUTIONS FROM A LOCAL OPTION SALES AND USE TAX, SO AS TO REQUIRE THE DEPARTMENT OF REVENUE TO FURNISH DATA TO THE STATE TREASURER, AND TO REQUIRE THE REVENUE AND FISCAL AFFAIRS OFFICE TO PROVIDE CERTAIN ASSISTANCE; TO AMEND SECTION 6-1-50, AS AMENDED, RELATING TO FINANCIAL REPORTS FROM COUNTIES AND MUNICIPALITIES, SO AS TO DELAY THE REPORTS UNTIL MARCH FIFTEENTH; TO AMEND SECTION 23-47-65, AS AMENDED, RELATING TO THE SOUTH CAROLINA 911 ADVISORY COMMITTEE, SO AS TO ALLOW THE EXECUTIVE DIRECTOR OF THE REVENUE AND FISCAL AFFAIRS OFFICE TO APPOINT A MEMBER; TO AMEND SECTIONS 27-2-85 AND 27-2-95, RELATING TO THE SOUTH CAROLINA GEODETIC SURVEY, SO AS TO DELETE OBSOLETE REFERENCES; TO AMEND SECTION 44-6-170, RELATING TO THE DATA OVERSIGHT COUNCIL, SO AS TO DELETE OBSOLETE REFERENCES, AND TO REVISE THE COMPOSITION OF THE COUNCIL; TO AMEND SECTION 44-6-5, RELATING TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, SO AS TO DELETE AN OBSOLETE REFERENCE; TO REDESIGNATE CERTAIN SECTIONS OF THE CODE; AND TO REPEAL

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SECTIONS 1-11-360, 2-7-62, 44-6-175, AND 48-22-20 ALL RELATING TO THE DUTIES OF THE REVENUE AND FISCAL AFFAIRS OFFICE.

H. 3093 -- Reps. Loftis, Clyburn, Elliott, Long, G. M. Smith, Whipper, Brown, Gilliard and S. Rivers: A BILL TO AMEND SECTION 12-43-220, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ASSESSMENT RATIOS, SO AS TO PROVIDE THAT WHEN AN OWNER RECEIVING THE FOUR PERCENT ASSESSMENT RATIO DIES, THE PROPERTY SHALL CONTINUE TO RECEIVE THE SPECIAL ASSESSMENT RATE UNTIL THE DECEASED'S ESTATE IS CLOSED, SO LONG AS THE PROPERTY IS NOT RENTED.

H. 3824 -- Reps. Henderson, Bedingfield, Fry, Huggins, Johnson, Hewitt, Crawford, Duckworth, Allison, Arrington, Forrester, Tallon, Hamilton, Felder, Elliott, Jordan, B. Newton, Martin, Erickson, Jefferson, Cobb-Hunter, Govan, Long, Putnam, Cogswell and Collins: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44-53-1645 SO AS TO REQUIRE HEALTH CARE PRACTITIONERS TO REVIEW A PATIENT'S CONTROLLED SUBSTANCE PRESCRIPTION HISTORY, AS MAINTAINED IN THE PRESCRIPTION DRUG MONITORING PROGRAM, BEFORE PRESCRIBING A SCHEDULE II CONTROLLED SUBSTANCE, WITH EXCEPTIONS; TO AMEND SECTION 44-53-1630, AS AMENDED, RELATING TO THE PRESCRIPTION DRUG MONITORING PROGRAM, SO AS TO ADD A DEFINITION OF "PRACTITIONER"; TO AMEND SECTION 44-53-1640, AS AMENDED, RELATING TO THE PRESCRIPTION DRUG MONITORING PROGRAM, SO AS TO MAKE CONFORMING CHANGES; TO AMEND SECTION 44-53-1680, AS AMENDED, RELATING TO PENALTIES FOR VIOLATING REQUIREMENTS OF THE PRESCRIPTION DRUG MONITORING PROGRAM, SO AS TO ESTABLISH A PENALTY IF A PRACTITIONER OR AUTHORIZED DELEGATE FAILS TO REVIEW A PATIENT'S CONTROLLED SUBSTANCE PRESCRIPTION HISTORY, AS MAINTAINED IN THE PRESCRIPTION DRUG MONITORING PROGRAM, BEFORE PRESCRIBING A SCHEDULE II CONTROLLED SUBSTANCE; BY ADDING SECTION 40-15-145 SO AS TO ESTABLISH EDUCATIONAL REQUIREMENTS FOR DENTISTS ADDRESSING

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THE PRESCRIPTION AND MONITORING OF CERTAIN CONTROLLED SUBSTANCES; TO AMEND SECTIONS 40-37-240, 40-47-965, AS AMENDED, AND 40-51-140, RELATING TO CONTINUING EDUCATION REQUIREMENTS FOR CERTAIN HEALTH CARE PRACTITIONERS, SO AS TO ADD REQUIREMENTS ADDRESSING THE PRESCRIPTION AND MONITORING OF CERTAIN CONTROLLED SUBSTANCES; AND TO AMEND SECTION 40-43-130, RELATING TO CONTINUING EDUCATION REQUIREMENTS FOR PHARMACISTS, SO AS TO ADD REQUIREMENTS ADDRESSING CERTAIN CONTROLLED SUBSTANCES.

**RECURRENCE TO THE MORNING HOUR**

Rep. FINLAY moved that the House recur to the morning hour, which was agreed to.

**H. 3566--REQUESTS FOR DEBATE**

The following Bill was taken up:

H. 3566 -- Reps. Lowe, Pitts, Jordan, White and Putnam: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 23-23-150 SO AS TO PROVIDE THAT THE LAW ENFORCEMENT TRAINING COUNCIL SHALL DEVELOP GUIDELINES FOR A ONE-WEEK TRAINING PROGRAM OFFERED BY THE CRIMINAL JUSTICE ACADEMY TO SCHOOL FIRST RESPONDERS THAT CERTIFIES THEM TO POSSESS FIREARMS ON SCHOOL PREMISES, AND TO PROVIDE THE CONDITIONS UPON WHICH SCHOOL FIRST RESPONDERS MAY POSSESS FIREARMS ON SCHOOL PREMISES, AND TO PROVIDE FUNDING TO CREATE THIS PROGRAM.

The Committee on Ways and Means proposed the following Amendment No. 1 to H. 3566 (COUNCIL\CM\3566C005.GT.CM17):

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

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

“Section 23-23-150. (A) As contained in this section, ‘school first responder’ means any person, qualified under subsection (B), who responds to a school emergency.

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(B) The Law Enforcement Training Council shall develop guidelines for a one-week training program that the Criminal Justice Academy shall offer to a school first responder that certifies him to possess a firearm on a school premise. The program must include:

- (1) shoot/don't shoot training;
- (2) school safety protection training;
- (3) rapid response training;
- (4) identifying and containing potential threats and occurring threats;
- (5) defusing volatile situations and resolving conflict;
- (6) communicating with law enforcement that has jurisdiction over the school;
- (7) first responder first aid; and
- (8) other training that the council considers appropriate.

(C) The first responder is responsible for the costs associated with participating in the program.

(D) A school first responder may possess a firearm on a school premise if he:

- (1) holds a valid concealed weapons permit pursuant to Article 4, Chapter 31, Title 23; and
- (2) has completed the training program contained in subsection (B).

(E) From its fiscal year 2017-2018 appropriations from the General Assembly, the Law Enforcement Training Council shall use nine thousand dollars for the purpose of establishing the program contained in this section.”

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

Rep. LOWE moved to adjourn debate on the amendment, which was agreed to.

Rep. LOWE proposed the following Amendment No. 2 to H. 3566 (COUNCIL\CM\3566C006.GT.CM17):

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

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

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“Section 23-23-150. (A) As contained in this section, ‘school first responder’ means emergency medical service personnel and firefighters qualified under subsection (B), who respond to a school emergency.

(B) The Law Enforcement Training Council shall develop guidelines for a one-week training program that the Criminal Justice Academy shall offer to a school first responder that certifies him to possess a firearm on a school premise and establish requirements for recertification which includes firearm proficiency. The program must include:

- (1) shoot/don’t shoot training;
- (2) school safety protection training;
- (3) rapid response training;
- (4) identifying and containing potential threats and occurring threats;
- (5) defusing volatile situations and resolving conflict;
- (6) communicating with law enforcement that has jurisdiction over the school;
- (7) first responder first aid; and
- (8) other training that the council considers appropriate.

(C) The first responder is responsible for the costs associated with participating in the program.

(D) A school first responder may possess a firearm on a school premise if he:

- (1) holds a valid concealed weapons permit pursuant to Article 4, Chapter 31, Title 23; and
- (2) has completed the training program contained in subsection (B).

(E) From its fiscal year 2017-2018 appropriations from the General Assembly, the Law Enforcement Training Council shall use nine thousand dollars for the purpose of establishing the program contained in this section.”

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

Rep. LOWE explained the amendment.

Reps. J. E. SMITH, COBB-HUNTER, HILL, NORRELL, HART, MCEACHERN, THIGPEN, CLARY, ANDERSON, BROWN, TALLON, DILLARD, MITCHELL, LOFTIS, HAMILTON, LOWE, HENEGAN, KNIGHT and JORDAN requested debate on the Bill.

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**H. 3790--REQUESTS FOR DEBATE**

The following Bill was taken up:

H. 3790 -- Reps. Erickson and Ballentine: A BILL TO AMEND SECTION 44-20-30, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TERMS DEFINED IN THE "SOUTH CAROLINA INTELLECTUAL DISABILITY, RELATED DISABILITIES, HEAD INJURIES, AND SPINAL CORD INJURIES ACT", SO AS TO ADD A DEFINITION FOR "AUTISM SPECTRUM DISORDER"; TO AMEND SECTION 38-71-280, RELATING TO HEALTH INSURANCE COVERAGE FOR AUTISM SPECTRUM DISORDER, SO AS TO MAKE CONFORMING CHANGES; AND TO AMEND SECTION 59-21-510, AS AMENDED, RELATING TO SPECIAL EDUCATION PROGRAMS, SO AS TO MAKE CONFORMING CHANGES.

The Committee on Medical, Military, Public and Municipal Affairs proposed the following Amendment No.1 to H. 3790 (COUNCIL\VR\3790C003.CC.VR17):

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

/ SECTION 1. Section 44-20-30 of the 1976 Code, as last amended by Act 47 of 2011, is further amended by adding an appropriately numbered item at the end to read:

“( ) ‘Autism spectrum disorder’ means autism spectrum disorder as defined by the most recent publication of the Diagnostic and Statistical Manual of Mental Disorders (DSM) or a pervasive developmental disorder as defined in any previous edition of the DSM.”

SECTION 2. Section 38-71-280(A)(1) of the 1976 Code is amended to read:

“(1) ‘Autism spectrum disorder’ means ~~one of the three following disorders as defined in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders of the American Psychiatric Association:~~

(a) ~~Autistic Disorder;~~

(b) ~~Asperger’s Syndrome;~~

(c) ~~Pervasive Developmental Disorder Not Otherwise Specified~~ autism spectrum disorder as defined by the most recent publication of the Diagnostic and Statistical Manual of Mental Disorders (DSM) or a pervasive developmental disorder as defined in any previous edition of the DSM.”

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

Rep. ROBINSON-SIMPSON explained the amendment.

Reps. WHITE, HILL, GAGNON, ERICKSON, BALLENTINE, CASKEY, J. E. SMITH, RYHAL, WILLIAMS, BENNETT, CROSBY, SANDIFER, FORRESTER, G. R. SMITH, LOFTIS and JEFFERSON requested debate on the Bill.

**H. 3969--AMENDED AND INTERRUPTED DEBATE**

The following Bill was taken up:

H. 3969 -- Reps. Felder and Allison: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-18-1940 SO AS TO PROVIDE THE EDUCATION OVERSIGHT COMMITTEE SHALL DESIGN AND PILOT CERTAIN DISTRICT ACCOUNTABILITY MODELS THAT FOCUS ON COMPETENCY-BASED EDUCATION; BY ADDING SECTION 59-18-1950 SO AS TO PROVIDE FOR THE ESTABLISHMENT OF A STATE LONGITUDINAL DATA SYSTEM FOR MEASURING THE CONTINUOUS IMPROVEMENT OF PUBLIC EDUCATION AND THE COLLEGE READINESS AND CAREER READINESS OF PUBLIC SCHOOL GRADUATES, AND TO PROVIDE RELATED FINDINGS; BY ADDING SECTION 59-18-1960 SO AS TO PROVIDE THE MEASURING OF STUDENT PROGRESS OR GROWTH USING A VALUE-ADDED SYSTEM; TO AMEND SECTION 59-18-100, AS AMENDED, RELATING TO THE PURPOSE OF THE ACCOUNTABILITY SYSTEM IN THE EDUCATION ACCOUNTABILITY ACT, SO AS TO PROVIDE ADDITIONAL PURPOSES CONCERNING THE PROFILE OF THE SOUTH CAROLINA GRADUATE; TO AMEND SECTION 59-18-120, AS AMENDED, RELATING TO DEFINITIONS IN THE EDUCATION ACCOUNTABILITY ACT, SO AS TO REVISE AND ADD DEFINED TERMS; TO AMEND SECTION 59-18-310, AS AMENDED, RELATING TO THE STATEWIDE ASSESSMENT PROGRAM FOR MEASURING STUDENT PERFORMANCE, SO AS TO DELETE OBSOLETE LANGUAGE AND TO DELETE PROVISIONS CONCERNING THE TIMING FOR ADMINISTERING CERTAIN ASSESSMENTS; TO AMEND

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SECTION 59-18-320, AS AMENDED, RELATING TO THE ADMINISTRATION OF CERTAIN STATEWIDE STANDARDS-BASED ASSESSMENTS, SO AS TO DELETE OBSOLETE PROVISIONS CONCERNING THE NO CHILD LEFT BEHIND ACT, AND TO DELETE PROVISIONS CONCERNING PERFORMANCE LEVEL RESULTS IN VARIOUS CORE SUBJECT AREAS; TO AMEND SECTION 59-18-325, AS AMENDED, RELATING TO COLLEGE AND CAREER READINESS SUMMATIVE ASSESSMENTS, SO AS TO REVISE PROCUREMENT AND ADMINISTRATION PROVISIONS AND THE TIME AFTER WHICH RESULTS OF SUCH ASSESSMENTS MAY BE INCLUDED IN SCHOOL RATINGS; TO AMEND SECTION 59-18-330, AS AMENDED, RELATING TO THE COORDINATION AND ADMINISTRATION OF THE NATIONAL ASSESSMENT OF EDUCATION PROGRESS, SO AS TO PROVIDE THE STATE SHALL PARTICIPATE AS AN INDIVIDUAL EDUCATION SYSTEM IN THE PROGRAM FOR INTERNATIONAL STUDENT ASSESSMENT AND TO PROVIDE ASSOCIATED RESPONSIBILITIES OF THE STATE DEPARTMENT OF EDUCATION; TO AMEND SECTION 59-18-340, AS AMENDED, RELATING TO THE MANDATORY PROVISION OF STATE-FUNDED ASSESSMENTS SO AS TO DELETE ONE SUCH ASSESSMENT AND INCLUDE TWO ADDITIONAL ASSESSMENTS; TO AMEND SECTION 59-18-900, AS AMENDED, RELATING TO THE COMPREHENSIVE ANNUAL REPORT CARD FOR SCHOOLS, SO AS TO PROVIDE IT IS WEB-BASED, TO REVISE THE PURPOSES OF THE REPORT CARD, TO REVISE AND DEFINE CATEGORIES OF ACADEMIC PERFORMANCE RATINGS, TO PROVIDE THE SAME CATEGORIES ALSO MUST BE ASSIGNED TO INDIVIDUAL INDICATORS USED TO MEASURE SCHOOL PERFORMANCE, TO MAKE THE USE OF STUDENT SCORES IN CALCULATING SCHOOL RATINGS BE OPTIONAL INSTEAD OF MANDATORY, TO DELETE STUDENT PERFORMANCE LEVELS, TO PROVIDE THE REPORT CARD MUST INCLUDE INDICATORS THAT MEET FEDERAL LAW REQUIREMENTS, TO INCLUDE DROPOUT RETENTION DATA AND ACCESS TO TECHNOLOGY AMONG THE TYPES OF INFORMATION THAT SHOULD BE INCLUDED IN REPORT CARDS, AND TO REVISE REQUIREMENTS FOR RELATED SCHOOL IMPROVEMENT COUNCIL REPORTS; TO AMEND SECTION 59-18-910, AS AMENDED, RELATING TO

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COMPREHENSIVE CYCLICAL REVIEWS OF THE ACCOUNTABILITY SYSTEM, SO AS TO REQUIRE THE INCLUSION OF CERTAIN RECOMMENDATIONS DETERMINING THE READINESS OF GRADUATING STUDENTS IN CERTAIN CATEGORIES RELATED TO THE PROFILE OF THE SOUTH CAROLINA GRADUATE; TO AMEND SECTION 59-18-920, AS AMENDED, RELATING TO CHARTER SCHOOLS, SO AS TO PROVIDE DATA REQUIRED OF A CHARTER SCHOOL MAY BE USED TO DEVELOP A RATING OF THE SCHOOL, TO DELETE EXISTING PROVISIONS CONCERNING THE CHARTER SCHOOL RATINGS, TO DELETE PROVISIONS PROHIBITING USE OF CHARTER SCHOOL STUDENT PERFORMANCE IN A DISTRICT'S OVERALL PERFORMANCE RATINGS; TO AMEND SECTION 59-18-930, AS AMENDED, RELATING TO THE REQUIREMENT THAT THE DEPARTMENT ANNUALLY ISSUE AN EXECUTIVE SUMMARY OF THE REPORT CARD, SO AS TO PROVIDE THE DEPARTMENT INSTEAD MAY PUBLISH THE REPORT ON ITS WEBSITE IN A CERTAIN MANNER, AND TO PROVIDE CERTAIN NATIONAL ASSESSMENT SCORES MAY BE INCLUDED; AND TO REPEAL SECTION 59-18-950 RELATING TO CRITERIA FOR SCHOOL DISTRICT AND HIGH SCHOOL RATINGS.

The Committee on Education and Public Works proposed the following Amendment No. 1 to H. 3969 (COUNCIL\WAB\3969C001.AGM.WAB17), which was adopted:

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

/ SECTION 1. Article 19, Chapter 18, Title 59 of the 1976 Code is amended by adding:

“Section 59-18-1940. Working with the Education Oversight Committee, the State Department of Education shall design and pilot district accountability models that focus on competency-based education for a district or school or on regional or county economic initiatives to improve the postsecondary success of students. A district may apply to the department and the committee to participate in the pilot.”

SECTION 2. Article 19, Chapter 18, Title 59 of the 1976 Code is amended by adding:

“Section 59-18-1950. (A) The General Assembly recognizes the importance of having a state longitudinal data system to inform policy and fiscal decisions related to early childhood education, public



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education, postsecondary preparedness and success, and workforce development.

(B)(1) The Revenue and Fiscal Affairs Office, working with the Office of First Steps to School Readiness, the South Carolina Department of Education, the South Carolina Commission on Higher Education, the Department of Social Services, the South Carolina Technical College System, the Department of Commerce, the Department of Employment and Workforce, and other state agencies or institutions of higher education, shall develop, implement, and maintain a universal identification system that includes, at a minimum, the following information for measuring the continuous improvement of the state public education system and the college and career readiness and success of its graduates:

(a) students graduating from public high schools in the state who enter postsecondary education without the need for remediation;

(b) working-aged adults in South Carolina by county who possess a postsecondary degree or industry credential;

(c) high school graduates who are gainfully employed in the state within five and ten years of graduating from high school; and

(d) outcome data regarding student achievement and student growth that will assist colleges of education in achieving accreditation and in improving the quality of teachers in classrooms.

(2) All information disseminated will conform to state and federal privacy laws.”

SECTION 3. Article 19, Chapter 18, Title 59 of the 1976 Code is amended by adding:

“Section 59-18-1960. In measuring annual school growth, the state shall use a value-added system that calculates student progress or growth. A local school district may, in its discretion, use the value-added system to evaluate classroom teachers using student progress or growth. The estimates of specific teacher effects on the educational progress of students will not be a public record and will be made available only to the specific teacher, principal and superintendent. Furthermore, the estimates of specific teacher effects may also be made to any teacher preparation programs approved by the State Board of Education. The estimates made available to the teacher preparation programs shall not be a public record and shall be used only in evaluation of the respective teacher preparation programs. Furthermore, educator effectiveness data must be exempt from public disclosure pursuant to Section 30-4-30 and may not be subject to the South Carolina Freedom of Information Act.

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An institution or postsecondary system receiving the estimates shall develop a policy to protect the confidentiality of the data.”

SECTION 4. Section 59-18-100 of the 1976 Code, as last amended by Act 282 of 2008, is further amended to read:

“Section 59-18-100. The General Assembly finds that South Carolinians have a commitment to public education and a conviction that high expectations for all students are vital components for improving academic achievement. It is the purpose of the General Assembly in this chapter to establish a performance based accountability system for public education which focuses on improving teaching and learning so that students are equipped with a strong academic foundation. Moreover, to meet the Profile of the South Carolina Graduate, all students graduating from public high schools in this State should have the knowledge, skills, and opportunity to be college ready, career ready, and life ready for success in the global, digital, and knowledge-based world of the twenty-first century as provided in Section 59-1-50. All graduates should have the opportunity to qualify for and be prepared to succeed in entry-level, credit-bearing college courses, without the need for remedial coursework, postsecondary job training, or significant on-the-job training. Accountability, as defined by this chapter, means acceptance of the responsibility for improving student performance and taking actions to improve classroom practice and school performance by the Governor, the General Assembly, the State Department of Education, colleges and universities, local school boards, administrators, teachers, parents, students, and the community.”

SECTION 5. Section 59-18-120 of the 1976 Code, as last amended by Act 282 of 2008, is further amended to read:

“Section 59-18-120. As used in this chapter:

(1) ‘Oversight Committee’ means the Education Oversight Committee established in Section 59-6-10.

(2) ‘Standards based assessment’ means an assessment where an individual’s performance is compared to specific performance standards and not to the performance of other students.

(3) ‘Disaggregated data’ means data broken out for specific groups within the total student population, such as by race, gender, level of poverty, limited English proficiency status, disability status, gifted and talented, or other groups as required by federal statutes or regulations.

(4) ‘Longitudinally matched student data’ means examining the performance of a single student or a group of students by considering their test scores over time.

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(5) 'Academic achievement standards' means statements of expectations for student learning.

(6) "Department" means the State Department of Education.

(7) ~~'Absolute performance'~~ 'Performance rating' means the ~~rating~~ classification a school will receive based on the percentage of students meeting standard on the state's standards based assessment, student growth or student progress from one school year to the next, graduation rates, and other indicators as determined by federal guidelines and the Education Oversight Committee, as applicable. To increase transparency and accountability, the overall points achieved by a school to determine its 'performance rating' must be based on a numerical scale from zero to one hundred, with one hundred being the maximum total achievable points for a school.

(8) ~~'Growth' means the rating a school will receive based on longitudinally matched student data comparing current performance to the previous year's for the purpose of determining student academic growth.~~

(9) 'Objective and reliable statewide assessment' means assessments that yield consistent results and that measure the cognitive knowledge and skills specified in the state-approved academic standards and do not include questions relative to personal opinions, feelings, or attitudes and are not biased with regard to race, gender, or socioeconomic status. The assessments must include a writing assessment and ~~multiple-choice~~ questions designed to reflect a range of cognitive abilities beyond the knowledge level. Constructed response questions may be included as a component of the writing assessment.

(10) 'Division of Accountability' means the special unit within the oversight committee established in Section 59-6-100.

(11) 'Formative assessment' means assessments used within the school year to analyze general strengths and weaknesses in learning and instruction, to understand the performance of students individually and across achievement categories, to adapt instruction to meet students' needs, and to consider placement and planning for the next grade level. Data and performance from the formative assessments must not be used in the calculation of elementary, middle, or high school or district ratings, but may be used in determining primary school ratings."

SECTION 6. Section 59-18-310 of the 1976 Code, as last amended by Act 207 of 2016, is further amended to read:

"Section 59-18-310. (A) Notwithstanding any other provision of law, the State Board of Education, through the Department of Education, is required to develop or adopt a statewide assessment program to

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promote student learning and to measure student performance on state standards and:

- (1) identify areas in which students, schools, or school districts need additional support;
- (2) indicate the academic achievement for schools, districts, and the State;
- (3) satisfy federal reporting requirements; and
- (4) provide professional development to educators.

Assessments required to be developed or adopted pursuant to the provisions of this section or chapter must be objective and reliable, and administered in English and in Braille for students as identified in their Individual Education Plan.

(B)(1) The statewide assessment program must include the subjects of English/language arts, mathematics, science, and social studies in grades three through eight, as delineated in Section 59-18-320(B), ~~to be first administered in 2009, and end-of-course tests for gateway courses awarded selected by the State Board of Education and approved by the Education Oversight Committee for federal accountability, which award units of credit in English/language arts, mathematics, science, and social studies. Student performance targets must be established following the 2009 administration. The assessment program must be used for school and school district accountability purposes beginning with the 2008-2009 school year. The publication of the annual school and school district report card may be delayed for the 2008-2009 school year until no later than February 15, 2010.~~ A student's score on an end-of-year assessment may not be the sole criterion for placing the student on academic probation, retaining the student in his current grade, or requiring the student to attend summer school. Beginning with the graduating class of 2010, students are required to pass a high school credit course in science and a course in United States history in which end-of-course examinations are administered to receive the state high school diploma. Beginning with the graduating class of 2015, students are no longer required to meet the exit examination requirements set forth in this section and State Regulation to earn a South Carolina high school diploma.

(2) A person who is no longer enrolled in a public school and who previously failed to receive a high school diploma or was denied graduation solely for failing to meet the exit exam requirements pursuant to this section and State Regulation may petition the local school board to determine the student's eligibility to receive a high school diploma pursuant to this chapter. The local school board will transmit diploma

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requests to the South Carolina Department of Education in accordance with department procedures. Petitions under this section must be submitted to the local school district. Students receiving diplomas in accordance with this section shall not be counted as graduates in the graduation rate calculations for affected schools and districts, either retroactively or in current or future calculations. On or before January 31, 2019, the South Carolina Department of Education shall report to the State Board of Education and the General Assembly the number of diplomas granted, by school district, under the provision. The State Board of Education shall remove any conflicting requirement and promulgate conforming changes in its applicable regulations. The department shall advertise the provisions of this item in at least one daily newspaper of general circulation in the area of each school district within forty-five days after this enactment. After enactment, the department may continue to advertise the provisions of this item, but it shall not be required to advertise after December 31, 2017. At a minimum, this notice must consist of two columns measuring at least ten inches in length and measuring at least four and one-half inches combined width, and include:

- (a) a headline printed in at least a twenty-four point font that is boldfaced;
- (b) an explanation of who qualifies for the petitioning option;
- (c) an explanation of the petition process;
- (d) a contact name and phone number; and
- (e) the deadline for submitting a petition.

~~(C) To facilitate the reporting of strand level information and the reporting of student scores prior to the beginning of the next school year, beginning with the 2009 administration, multiple choice items must be administered as close to the end of the school year as possible and the writing assessment must be administered earlier in the school year.~~

~~(D)~~ While assessment is called for in the specific areas mentioned above, this should not be construed as lessening the importance of foreign languages, visual and performing arts, health, physical education, and career or occupational programs.

~~(E)~~ The State Board of Education shall create a statewide adoption list of formative assessments for grades ~~one~~ kindergarten through nine aligned with the state content standards in English/language arts and mathematics that satisfies professional measurement standards in accordance with criteria jointly determined by the Education Oversight Committee and the State Department of Education. The formative assessments must provide diagnostic information in a timely manner to all school districts for each student during the course of the

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school year. For use beginning with the 2009-2010 School Year, and subject to appropriations by the General Assembly for the assessments, local districts must be allocated resources to select and administer formative assessments from the statewide adoption list to use to improve student performance in accordance with district improvement plans. However, if a local district already administers formative assessments, the district may continue to use the assessments if they meet the state standards and criteria pursuant to this subsection.

(~~F~~E) The State Department of Education shall provide on-going professional development in the development and use of classroom assessments, the use of formative assessments, and the use of the end-of-year state assessments so that teaching and learning activities are focused on student needs and lead to higher levels of student performance.”

SECTION 7. Section 59-18-320(B) of the 1976 Code, as last amended by Act 282 of 2008, is further amended to read:

“(B) After review and approval by the Education Oversight Committee, and pursuant to Section 59-18-325, the standards based assessment of mathematics, English/language arts, social studies, and science will be administered, for accountability purposes, to all public school students in grades three through eight, to include those students as required by the federal Individuals with Disabilities Education Improvement Act and by Title 1 of the Elementary and Secondary Education Act. To reduce the number of days of testing, to the extent possible, field test items must be embedded with the annual assessments. ~~In accordance with the requirements of the federal No Child Left Behind Act, science assessments must be administered annually to all students in one elementary and one middle school grade. The State Department of Education shall develop a sampling plan to administer science and social studies assessments to all other elementary and middle school students. The plan shall provide for all students and both content areas to be assessed annually; however, individual students, except in census testing grades, are not required to take both tests. In the sampling plan, approximately half of the assessments must be administered in science and the other half in social studies in each class. To ensure that school districts maintain the high standard of accountability established in the Education Accountability Act, performance level results reported on school and district report cards must meet consistently high levels in all four core content areas. The core areas must remain consistent with the following percentage weightings established and approved by the Education Oversight Committee: in grades three through five, thirty~~

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~~percent each for English/language arts and math, and twenty percent each for science and social studies; and in grades six through eight, twenty-five percent each for English/language arts and math, and twenty-five percent each for science and social studies.~~ For students with documented disabilities, the assessments developed by the Department of Education shall include the appropriate modifications and accommodations with necessary supplemental devices as outlined in a student's Individualized Education Program and as stated in the Administrative Guidelines and Procedures for Testing Students with Documented Disabilities."

SECTION 8. Section 59-18-325 of the 1976 Code, as last amended by Act 281 of 2016, is further amended to read:

"Section 59-18-325. (A) All students entering the eleventh grade for the first time in School Year 2014-2015 and subsequent years must be administered a college and career readiness assessment as required by the federal Individuals with Disabilities Education Improvement Act and by Title 1 of the Elementary and Secondary Education Act and that is from a provider secured by the department. ~~In addition, all students entering the eleventh grade for the first time in School Year 2014-2015 and subsequent years must be administered a WorkKeys assessment.~~ The results of the assessments must be provided to each student, their respective schools, and to the State to:

(1) assist students, parents, teachers, and guidance counselors in developing individual graduation plans and in selecting courses aligned with each student's future ambitions;

(2) promote South Carolina's Work Ready Communities initiative; and

(3) meet federal and state accountability requirements.

(B) Students subsequently may use the results of these assessments to apply to college or to enter careers. The results must be added as part of each student's permanent record and maintained at the department for at least ten years. The purpose of the results is to provide instructional information to assist students, parents, and teachers to plan for each student's course selection. This course selection might include remediation courses, dual-enrollment courses, dual-credit courses, advanced placement courses, internships, or other options during the remaining semesters in high school.

(C) To maintain a comprehensive and cohesive assessment system that signals a student's preparedness for the next educational level and ultimately culminates in a clear indication of a student's preparedness for postsecondary success in a college or career and to satisfy federal and

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state accountability purposes, the State Department of Education shall procure and maintain a summative assessment system.

(1) The summative assessment must be administered to all students in grades three through eight. The summative assessment must assess students in English/language arts and mathematics, including those students as required by the federal Individuals with Disabilities Education Act and by Title I of the Elementary and Secondary Education Act. For purposes of this subsection, "English/language arts" includes English, reading, and writing skills as required by existing state standards. The assessment must be a rigorous, achievement assessment that measures student mastery of the state standards, that provides timely reporting of results to educators, parents, and students, and that measures each student's progress toward college and career readiness. Therefore, the assessment or assessments must meet all of the following minimum requirements:

(a) compares performance of students in South Carolina to other students' performance on comparable standards in other states with the ability to link the scales of the South Carolina assessment to the scales from other assessments measuring those comparable standards;

(b) be a vertically scaled, benchmarked, standards-based system of summative assessments;

(c) measures a student's preparedness for the next level of their educational matriculation and individual student performance against the state standards in English/language arts, reading, writing, mathematics, and student growth;

(d) documents student progress toward national college and career readiness benchmarks derived from empirical research and state standards;

(e) establishes at least four student achievement levels;

(f) includes various test questions including, but not limited to, multiple choice, constructed response, and selected response, that require students to demonstrate their understanding of the content;

(g) be administered to all students in a computer-based format except for students with disabilities as specified in the student's IEP or 504 plan, and unless the use of a computer by these students is prohibited due to the vendor's restrictions on computer-based test security, in which case the paper version must be made available; and

(h) assists school districts and schools in aligning assessment, curriculum, and instruction.

(2)(a) Beginning in the 2017-2018 School Year, each school district shall administer the statewide summative assessment, with the



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exception of alternate assessments, for grades three through eight during the last twenty days of school as determined by the district's regular instructional calendar, not including make-up days. If an extension to the twenty-day time period is needed, the school district or charter school may submit a request for an extension to the State Board of Education before December first of the school year for which the waiver is requested. The request must clearly document the scope and rationale for the extension. The request also must be accompanied by an action plan showing how the district or charter school will be able to comply with the twenty-day time frame for the following school year.

(b) Statewide summative testing for each student may not exceed eight days each school year, with the exception of students with disabilities as specified in their IEPs or 504 plans.

(c) The State Board of Education shall promulgate regulations outlining the procedures to be used during the testing process to ensure test security, including procedures for make-up days, and to comply with federal and state assessment requirements where necessary.

(d) In the event of school closure due to extreme weather or other disruptions that are not the fault of the district, or significant school or district technology disruptions that impede computer-based assessment administration, the school district or charter school may submit a request to the department to provide a paper-based administration to complete testing within the last twenty days of school. The request must clearly document the scope and cause of the disruption.

(3) ~~The department must procure and administer assessments in English/language arts and mathematics in grades three through eight, and administer assessments in science and social studies to all students in grades four through eight~~ Beginning with the 2017-2018 School Year, the department shall procure and administer the standards-based assessments of mathematics and English/language arts to students in grades three through eight. The department also shall procure and administer the standards-based assessment in science to students in grades four, six and eight, and the standards based assessment in social studies to students in grades five and seven.

(4)(a) For the 2016-2017, 2017-2018, and 2018-2019 School Years, the department is responsible for ensuring the procurement and administration of the ACT Plus Writing assessment and WorkKeys to eleventh grade students. ~~Following the 2018-2019 school year, the department shall procure and administer a standardized national test that meets the requirements of subsection (A) that documents student progress toward national college and career readiness benchmarks~~

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~~derived from empirical research, and is widely accepted by higher education institutions for admissions purposes. The department is responsible for continuing to procure and administer the WorkKeys assessments. Beginning with the 2019-2020 School Year, all public high schools and, where necessary, career centers, annually shall administer a college entrance and/or career readiness assessment to all eleventh grade students as designated by their post-secondary goals and Individual Graduation Plan which requires a parent's or guardian's signature. The State Department of Education shall reimburse districts for the administration of the college entrance and career readiness assessments. For the purposes of this section, 'eleventh grade students' means students in the third year of high school after their initial enrollment in the ninth grade.~~

~~(b) For the 2016-2017, 2017-2018, and 2018-2019 School Years, all public high schools and, where necessary, career centers, annually shall administer the WorkKeys assessment and the ACT Plus Writing college readiness assessment procured by the department to all eleventh grade students. Following the 2018-2019 School Year, all public high schools and, where necessary, career centers, annually shall administer the college readiness and WorkKeys assessments procured by the department to all eleventh grade students. For the purposes of this section, 'eleventh grade students' means students in the third year of high school after their initial enrollment in the ninth grade.~~

~~(e) Valid accommodations must be provided according to the students' IEP/504 plan. If a student also chooses to use the results of the college readiness assessment for ~~post-secondary~~ post-secondary admission or placement, the student, his parent, or his guardian must indicate that choice in compliance with the testing vendor's deadline to ensure that the student may receive allowable accommodations consistent with the IEP or 504 plan that may yield a college reportable score.~~

~~(5) If funds are available, the State shall provide a ~~two-year college or four-year college readiness assessment or the WorkKeys college entrance and/or career readiness~~ assessment to twelfth grade students who did not meet benchmarks on the eleventh grade assessment for college and career readiness at no cost to the students.~~

~~(6) Formative assessments must continue to be adopted, selected, and administered pursuant to Section 59-18-310.~~

~~(7) Within thirty days after providing student performance data to the school districts as required by law, the department must provide to the Education Oversight Committee student performance results on~~

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assessments authorized in this subsection and end-of-course assessments in a format agreed upon by the department and the Oversight Committee. ~~The Education Oversight Committee must use the results of these assessments in School Years 2014-2015, 2015-2016, and 2016-2017 to report on student academic performance in each school and district pursuant to Section 59-18-900. The committee may not determine state ratings for schools or districts, pursuant to Section 59-18-900, using the results of the assessments required by this subsection until after the conclusion of the 2016-2017 School Year; provided, however, state ratings must be determined by~~ The results of these assessments must be included in state ratings for each school beginning in the 2017-2018 School Year. The Oversight Committee also must develop and recommend a single accountability system that meets federal and state accountability requirements by the Fall of 2017. While developing the single accountability system that will be implemented in the 2017-2018 School Year, the Education Oversight Committee shall determine the format of a transitional report card released to the public in the Fall of 2016 and 2017 that will also identify underperforming schools and districts. These transitional reports will, at a minimum, include the following: (1) school, district, and statewide student assessment results in reading and mathematics in grades three through eight; (2) high school and district graduation rates; and (3) measures of student college and career readiness at the school, district, and statewide level. These transitional reports will inform schools and districts, the public, and the Department of Education of school and district general academic performance and assist in identifying potentially underperforming schools and districts and in targeting technical assistance support and interventions in the interim before ratings are issued.

(8) When standards are subsequently revised, the Department of Education, the State Board of Education, and the Education Oversight Committee shall approve assessments pursuant to Section 59-18-320.”

SECTION 9. Section 59-18-340 of the 1976 Code, as last amended by Act 282 of 2008, is further amended to read:

“Section 59-18-340. High schools shall offer state-funded PSAT ~~or PLAN, pre-ACT, or tenth grade Aspire~~ tests to each tenth grade student in order to assess and identify curricular areas that need to be strengthened and ~~reenforced~~ reinforced. Schools and districts shall use these assessments as diagnostic tools to provide academic assistance to students whose scores reflect the need for such assistance. Schools and districts shall use these assessments to provide guidance and direction for parents and students as they plan for postsecondary experiences.”

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SECTION 10. Section 59-18-360 of the 1976 Code, as last amended by Act 282 of 2008, is further amended to read:

“Section 59-18-360. Beginning with the 2010 assessment administration, the Department of Education is directed to provide assessment results annually on individual students and schools by August first, except when assessments are being updated and new achievement standards are being set, in a manner and format that is easily understood by parents and the public. In addition, the school assessment results must be presented in a format easily understood by the faculty and in a manner that is useful for curriculum review and instructional improvement. The department is to provide longitudinally matched student data from the standards based assessments and include information on the performance of subgroups of students within the school. The department must work with the Division of Accountability in developing the formats of the assessment results. Schools and districts are responsible for disseminating this information to parents.”

SECTION 11. Section 59-18-900 of the 1976 Code, as last amended by Act 289 of 2014, is further amended to read:

“Section 59-18-900. (A) The Education Oversight Committee, working with the State Board of Education, is directed to establish the format of a comprehensive, web-based, annual report card, ~~its format, and an executive summary of the report card~~ to report on the performance for the State and for the individual primary, elementary, middle, high schools, career centers, and school districts of the State. The comprehensive report card must be in a reader-friendly format, using graphics whenever possible, published on the state, district, and school website, and, upon request, printed by the school districts. The school’s ~~ratings on academic performance~~ rating must be emphasized and an explanation of ~~their~~ its meaning and significance for the school ~~and the district~~ also must be reported. The annual report card must serve at least ~~five~~ six purposes:

(1) inform parents and the public about the school’s performance including, but not limited to, that on the home page of the report there must be each school’s overall performance rating in a font size larger than twenty-six and the total number of points the school achieved on the zero to one hundred scale;

(2) assist in addressing the strengths and weaknesses within a particular school;

(3) recognize schools with high performance;

(4) evaluate and focus resources on schools with low performance; ~~and~~

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- (5) meet federal report card requirements; and
- (6) document the preparedness of high school graduates for college and career.

(B)(1) The Education Oversight Committee, working with the State Board of Education and a broad-based group of stakeholders, including, but not limited to, parents, business and industry persons, community leaders, and educators, shall determine the criteria for and establish ~~five academic~~ performance ratings of excellent, good, average, below average, and ~~school/district at risk~~ unsatisfactory for schools to increase transparency and accountability as provided below:

(a) Excellent – School performance substantially exceeds the criteria to ensure all students meet the Profile of the South Carolina Graduate;

(b) Good – School performance exceeds the criteria to ensure all students meet the Profile of the South Carolina Graduate;

(c) Average – School performance meets the criteria to ensure all students meet the Profile of the South Carolina Graduate;

(d) Below Average – School performance is in jeopardy of not meeting the criteria to ensure all students meet the Profile of the South Carolina Graduate; and

(e) Unsatisfactory – School performance fails to meet the criteria to ensure all students meet the Profile of the South Carolina Graduate.

~~Schools and districts shall receive a rating for absolute and growth performance.~~

(2) The same categories of performance ratings also must be assigned to individual indicators used to measure a school's performance including, but not limited to, academic achievement, student growth or progress, graduation rate, English language proficiency, and college and career readiness.

(3) Only the scores of students enrolled continuously in the school ~~at from~~ the time of the forty-five-day enrollment count ~~shall be used to determine the absolute and growth ratings to the first day of testing must be included in calculating the rating.~~ Graduation rates must be used as an additional accountability measure for high schools and school districts.

(4) The Oversight Committee, working with the State Board of Education, shall establish ~~three~~ student performance indicators which will be those considered to be useful for assessing inclusion as a component of a school's overall performance and appropriate for the grade levels within the school.

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~~The student performance levels are: Not Met, Met, and Exemplary. 'Not Met' means that the student did not meet the grade level standard. 'Met' means the student met the grade level standard. 'Exemplary' means the student demonstrated exemplary performance in meeting the grade level standard. For purposes of reporting as required by federal statute, 'proficiency' shall include students performing at Met or Exemplary.~~

(C) In setting the criteria for the academic performance ratings and the performance indicators, the Education Oversight Committee shall report the performance by subgroups of students in the school and schools similar in student characteristics. Criteria must use established guidelines for statistical analysis and build on current data-reporting practices.

(D) The comprehensive report card must include a comprehensive set of performance indicators with information on comparisons, trends, needs, and performance over time which is helpful to parents and the public in evaluating the school. In addition, the comprehensive report card must include indicators that meet federal law requirements. Special efforts are to be made to ensure that the information contained in the report card is provided in an easily understood manner and a reader-friendly format. This information should also provide a context for the performance of the school. Where appropriate, the data should yield disaggregated results to schools and districts in planning for improvement. The report card should include information in such areas as programs and curriculum, school leadership, community and parent support, faculty qualifications, evaluations of the school by parents, teachers, and students. In addition, the report card must contain other criteria including, but not limited to, information on promotion and retention ratios, disciplinary climate, dropout ratios, dropout reduction data, dropout retention data, access to technology, student and teacher ratios, and attendance data.

(E) After reviewing the school's performance on statewide assessments and results of other report card criteria, the principal, in conjunction with the School Improvement Council established in Section 59-20-60, must write an annual narrative of a school's progress in order to further inform parents and the community about the school and its ~~operation~~ efforts to ensure that all students graduate with the knowledge, skills, and opportunity to be college ready, career ready, and life ready for success in the global, digital, and knowledge-based world of the twenty-first century as provided in Section 59-1-50. The narrative must be reviewed by the district superintendent or appropriate body for

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a local charter school. The narrative must cite factors or activities supporting progress and barriers which inhibit progress. The school's report card must be furnished to parents and the public no later than November fifteenth for the 2016-2017 and 2017-2018 School Years. To further increase transparency and accountability, for the 2018-2019 School Year, the school's report card must be furnished to parents and the public no later than October first. For the 2019-2020 School Year, and every subsequent year, the school's report card must be furnished to parents and the public no later than September first.

(F) The percentage of new trustees who have completed the orientation requirement provided in Section 59-19-45 must be reflected on the school district website.

(G) The State Board of Education shall promulgate regulations outlining the procedures for data collection, data accuracy, data reporting, and consequences for failure to provide data required in this section.

(H) The Education Oversight Committee, working with the State Board of Education, is directed to establish a comprehensive annual report concerning the performance of military-connected children who attend primary, elementary, middle, and high schools in this State. The comprehensive annual report must be in a reader-friendly format, using graphics whenever possible, published on the state, district, and school websites, and, upon request, printed by the school districts. The annual comprehensive report must address at least attendance, academic performance in reading, math, and science, and graduation rates of military-connected children.”

SECTION 12. Article 9, Chapter 18, Title 59 of the 1976 Code is amended by adding:

“Section 59-18-905. (A) The General Assembly recognizes that it, too, is part of the education system, accountability and report cards should include the General Assembly.

(B) The General Assembly strives to provide world class knowledge and world class skills, the General Assembly shall be measured on the following elements:

(1) the percentage of working-aged adults with postsecondary degree or credential meets the national average;

(2) the on-time statewide graduation rate is ninety percent;

(3) fourth grade NAEP math proficiency is at the fiftieth percentile or above;

(4) fourth grade NAEP reading proficient is at the fiftieth percentile or above;

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(5) Eighth grade NAEP math proficiency is at the fiftieth percentile or above;

(6) eighth grade reading proficiency is at the fiftieth percentile or above; and

(7) the composite statewide score for the eleventh grade administration of the ACT is twenty or above.

(C) The General Assembly shall receive an annual grade based on the following:

- (1) 'F' if zero elements are met;
- (2) 'D' if one element is met;
- (3) 'C' if at least three elements are met;
- (4) 'B' if at least four elements are met; and
- (5) 'A' if at least six elements are met."

SECTION 13. Section 59-18-910 of the 1976 Code, as last amended by Act 282 of 2008, is further amended to read:

"Section 59-18-910. Beginning in ~~2013~~ 2020, the Education Oversight Committee, working with the State Board of Education and a broad-based group of stakeholders, selected by the Education Oversight Committee, shall conduct a comprehensive cyclical review of the accountability system at least every five years and shall provide the General Assembly with a report on the findings and recommended actions to improve the accountability system and to accelerate improvements in student and school performance. The stakeholders must include the State Superintendent of Education and the Governor, or the Governor's designee. The other stakeholders include, but are not limited to, parents, business and industry persons, community leaders, and educators. The cyclical review must include recommendations of a process for determining if students are graduating with the world-class skills and life and career characteristics of the Profile of the South Carolina Graduate to be successful in postsecondary education and in careers. The accountability system needs to reflect evidence that students have developed these skills and characteristics."

SECTION 14. Section 59-18-920 of the 1976 Code, as last amended by Act 164 of 2012, is further amended to read:

"Section 59-18-920. A charter school established pursuant to Chapter 40, Title 59 shall report the data requested by the Department of Education necessary to generate a report card and a rating. ~~The Department of Education shall utilize this data to issue a report card with performance ratings to parents and the public containing the ratings and explaining its significance and providing other information similar to that required of other schools in this section.~~ The performance of



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students attending charter schools sponsored by the South Carolina Public Charter School District must be included in the overall performance ratings of each school in the South Carolina Public Charter School District. The performance of students attending a charter school authorized by a local school district must be reflected on a separate line on the school district's report card ~~and must not be included in the overall performance ratings of the local school district, unless there is a mutual agreement to include the scores in the local school district ratings~~. An alternative school is included in the requirements of this chapter; however, the purpose of an alternative school must be taken into consideration in determining its performance rating. The Education Oversight Committee, working with the State Board of Education and the School to Work Advisory Council, shall develop a report card for career and technology schools."

SECTION 15. Section 59-18-930(A) of the 1976 Code, as last amended by Act 34 of 2009, is further amended to read:

~~"(A) The State Department of Education must issue the executive summary of annually~~ shall publish on its website home page the report card ~~annually~~ to all schools and districts of the State no later than November ~~first~~ fifteenth, for the 2016-2017 and 2017-2018 School Years. To further increase transparency and accountability, for the 2018-2019 School Year, the school's report card must be furnished to parents and the public no later than October first. For the 2019-2020 school year, and every subsequent year, the school's report card must be furnished to parents and the public no later than September first. The executive summary shall be printed in black and white, be no more than two pages, use graphical displays whenever possible, and report card must be capable of being downloaded into a portable document format (PDF) and must contain National Assessment of Educational Progress (NAEP) scores as well as or other national scores or comparisons, if available. The report card summary must be made available to all parents of the school and the school district."

SECTION 16. Section 59-18-950 of the 1976 Code is repealed.

SECTION 17. This act takes effect upon approval by the Governor./  
Renumber sections to conform.

Amend title to conform.

Rep. FELDER explained the amendment.

The amendment was then adopted.

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Rep. Allison proposed the following Amendment No. 2 to H. 3969 (COUNCIL\WAB\3969C003.AGM.WAB17), which was adopted:

Amend the bill, as and if amended, by deleting SECTION 12 in its entirety.

Re-number sections to conform.

Amend title to conform.

Rep. ALLISON explained the amendment.

The amendment was then adopted.

Rep. COLLINS proposed the following Amendment No. 3 to H. 3969 (COUNCIL\WAB\3969C004.AGM.WAB17):

Amend the bill, as and if amended, Section 59-18-900(B)(1), as contained in SECTION 11, by deleting the item in its entirety and inserting:

/ (1) The Education Oversight Committee, working with the State Board of Education and a broad-based group of stakeholders, including, but not limited to, parents, business and industry persons, community leaders, and educators, shall determine the criteria for and establish ~~five academic~~ performance ratings of ~~excellent, good, average, below average, and school/district at risk~~ A, B, C, D, and F for schools to increase transparency and accountability as provided below:

(a) A=Excellent;

(b) B=Good;

(c) C=Average;

(d) D=Below Average; and

(e) F=Unsatisfactory.

~~Schools and districts shall receive a rating for absolute and growth performance. /~~

Re-number sections to conform.

Amend title to conform.

Rep. COLLINS explained the amendment.

Rep. COLLINS spoke in favor of the amendment.

Further proceedings were interrupted by expiration of time on the uncontested Calendar, the pending question being consideration of Amendment No. 3.

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**RECURRENCE TO THE MORNING HOUR**

Rep. ALLISON moved that the House recur to the morning hour, which was agreed to.

**H. 3969--AMENDED AND ORDERED TO THIRD READING**

Debate was resumed on the following Bill, the pending question being the consideration of Amendment No. 3:

H. 3969 -- Reps. Felder and Allison: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-18-1940 SO AS TO PROVIDE THE EDUCATION OVERSIGHT COMMITTEE SHALL DESIGN AND PILOT CERTAIN DISTRICT ACCOUNTABILITY MODELS THAT FOCUS ON COMPETENCY-BASED EDUCATION; BY ADDING SECTION 59-18-1950 SO AS TO PROVIDE FOR THE ESTABLISHMENT OF A STATE LONGITUDINAL DATA SYSTEM FOR MEASURING THE CONTINUOUS IMPROVEMENT OF PUBLIC EDUCATION AND THE COLLEGE READINESS AND CAREER READINESS OF PUBLIC SCHOOL GRADUATES, AND TO PROVIDE RELATED FINDINGS; BY ADDING SECTION 59-18-1960 SO AS TO PROVIDE THE MEASURING OF STUDENT PROGRESS OR GROWTH USING A VALUE-ADDED SYSTEM; TO AMEND SECTION 59-18-100, AS AMENDED, RELATING TO THE PURPOSE OF THE ACCOUNTABILITY SYSTEM IN THE EDUCATION ACCOUNTABILITY ACT, SO AS TO PROVIDE ADDITIONAL PURPOSES CONCERNING THE PROFILE OF THE SOUTH CAROLINA GRADUATE; TO AMEND SECTION 59-18-120, AS AMENDED, RELATING TO DEFINITIONS IN THE EDUCATION ACCOUNTABILITY ACT, SO AS TO REVISE AND ADD DEFINED TERMS; TO AMEND SECTION 59-18-310, AS AMENDED, RELATING TO THE STATEWIDE ASSESSMENT PROGRAM FOR MEASURING STUDENT PERFORMANCE, SO AS TO DELETE OBSOLETE LANGUAGE AND TO DELETE PROVISIONS CONCERNING THE TIMING FOR ADMINISTERING CERTAIN ASSESSMENTS; TO AMEND SECTION 59-18-320, AS AMENDED, RELATING TO THE ADMINISTRATION OF CERTAIN STATEWIDE STANDARDS-BASED ASSESSMENTS, SO AS TO DELETE OBSOLETE PROVISIONS CONCERNING THE NO CHILD LEFT BEHIND ACT, AND TO DELETE PROVISIONS CONCERNING PERFORMANCE LEVEL RESULTS IN VARIOUS CORE SUBJECT AREAS; TO

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AMEND SECTION 59-18-325, AS AMENDED, RELATING TO COLLEGE AND CAREER READINESS SUMMATIVE ASSESSMENTS, SO AS TO REVISE PROCUREMENT AND ADMINISTRATION PROVISIONS AND THE TIME AFTER WHICH RESULTS OF SUCH ASSESSMENTS MAY BE INCLUDED IN SCHOOL RATINGS; TO AMEND SECTION 59-18-330, AS AMENDED, RELATING TO THE COORDINATION AND ADMINISTRATION OF THE NATIONAL ASSESSMENT OF EDUCATION PROGRESS, SO AS TO PROVIDE THE STATE SHALL PARTICIPATE AS AN INDIVIDUAL EDUCATION SYSTEM IN THE PROGRAM FOR INTERNATIONAL STUDENT ASSESSMENT AND TO PROVIDE ASSOCIATED RESPONSIBILITIES OF THE STATE DEPARTMENT OF EDUCATION; TO AMEND SECTION 59-18-340, AS AMENDED, RELATING TO THE MANDATORY PROVISION OF STATE-FUNDED ASSESSMENTS SO AS TO DELETE ONE SUCH ASSESSMENT AND INCLUDE TWO ADDITIONAL ASSESSMENTS; TO AMEND SECTION 59-18-900, AS AMENDED, RELATING TO THE COMPREHENSIVE ANNUAL REPORT CARD FOR SCHOOLS, SO AS TO PROVIDE IT IS WEB-BASED, TO REVISE THE PURPOSES OF THE REPORT CARD, TO REVISE AND DEFINE CATEGORIES OF ACADEMIC PERFORMANCE RATINGS, TO PROVIDE THE SAME CATEGORIES ALSO MUST BE ASSIGNED TO INDIVIDUAL INDICATORS USED TO MEASURE SCHOOL PERFORMANCE, TO MAKE THE USE OF STUDENT SCORES IN CALCULATING SCHOOL RATINGS BE OPTIONAL INSTEAD OF MANDATORY, TO DELETE STUDENT PERFORMANCE LEVELS, TO PROVIDE THE REPORT CARD MUST INCLUDE INDICATORS THAT MEET FEDERAL LAW REQUIREMENTS, TO INCLUDE DROPOUT RETENTION DATA AND ACCESS TO TECHNOLOGY AMONG THE TYPES OF INFORMATION THAT SHOULD BE INCLUDED IN REPORT CARDS, AND TO REVISE REQUIREMENTS FOR RELATED SCHOOL IMPROVEMENT COUNCIL REPORTS; TO AMEND SECTION 59-18-910, AS AMENDED, RELATING TO COMPREHENSIVE CYCLICAL REVIEWS OF THE ACCOUNTABILITY SYSTEM, SO AS TO REQUIRE THE INCLUSION OF CERTAIN RECOMMENDATIONS DETERMINING THE READINESS OF GRADUATING STUDENTS IN CERTAIN CATEGORIES RELATED TO THE PROFILE OF THE SOUTH CAROLINA GRADUATE; TO AMEND SECTION 59-18-

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920, AS AMENDED, RELATING TO CHARTER SCHOOLS, SO AS TO PROVIDE DATA REQUIRED OF A CHARTER SCHOOL MAY BE USED TO DEVELOP A RATING OF THE SCHOOL, TO DELETE EXISTING PROVISIONS CONCERNING THE CHARTER SCHOOL RATINGS, TO DELETE PROVISIONS PROHIBITING USE OF CHARTER SCHOOL STUDENT PERFORMANCE IN A DISTRICT'S OVERALL PERFORMANCE RATINGS; TO AMEND SECTION 59-18-930, AS AMENDED, RELATING TO THE REQUIREMENT THAT THE DEPARTMENT ANNUALLY ISSUE AN EXECUTIVE SUMMARY OF THE REPORT CARD, SO AS TO PROVIDE THE DEPARTMENT INSTEAD MAY PUBLISH THE REPORT ON ITS WEBSITE IN A CERTAIN MANNER, AND TO PROVIDE CERTAIN NATIONAL ASSESSMENT SCORES MAY BE INCLUDED; AND TO REPEAL SECTION 59-18-950 RELATING TO CRITERIA FOR SCHOOL DISTRICT AND HIGH SCHOOL RATINGS.

Rep. COLLINS proposed the following Amendment No. 3 to H. 3969 (COUNCIL\WAB\3969C004.AGM.WAB17), which was tabled:

Amend the bill, as and if amended, Section 59-18-900(B)(1), as contained in SECTION 11, by deleting the item in its entirety and inserting:

/ (1) The Education Oversight Committee, working with the State Board of Education and a broad-based group of stakeholders, including, but not limited to, parents, business and industry persons, community leaders, and educators, shall determine the criteria for and establish ~~five academic~~ performance ratings of ~~excellent, good, average, below average, and school/district at risk~~ A, B, C, D, and F for schools to increase transparency and accountability as provided below:

(a) A=Excellent;

(b) B=Good;

(c) C=Average;

(d) D=Below Average; and

(e) F=Unsatisfactory.

~~Schools and districts shall receive a rating for absolute and growth performance. /~~

Renumber sections to conform.

Amend title to conform.

Rep. ALLISON spoke against the amendment.

Rep. BEDINGFIELD spoke in favor of the amendment.

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Rep. BEDINGFIELD spoke in favor of the amendment.

Rep. ALLISON moved to table the amendment.

Rep. COLLINS demanded the yeas and nays which were taken, resulting as follows:

Yeas 72; Nays 39

Those who voted in the affirmative are:

Alexander	Allison	Anderson
Anthony	Arrington	Atkinson
Bales	Bamberg	Bernstein
Bowers	Brown	Clary
Clyburn	Cobb-Hunter	Cole
Crawford	Crosby	Daning
Delleney	Dillard	Douglas
Felder	Finlay	Forrest
Forrester	Funderburk	Gagnon
Gilliard	Govan	Hardee
Hart	Hayes	Henegan
Hewitt	Hill	Hosey
Howard	Jefferson	King
Kirby	Knight	Lucas
Mack	McCoy	McCray
McEachern	Mitchell	V. S. Moss
Norrell	Ott	Parks
Pope	Ridgeway	M. Rivers
Robinson-Simpson	Ryhal	Sandifer
Simrill	G. M. Smith	J. E. Smith
Sottile	Spires	Stavrinnakis
Thigpen	Weeks	West
Wheeler	Whipper	Whitmire
Williams	Willis	Yow

**Total--72**

Those who voted in the negative are:

Atwater	Ballentine	Bannister
Bedingfield	Bennett	Blackwell
Bradley	Burns	Caskey
Chumley	Clemmons	Cogswell

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Collins	Davis	Duckworth
Elliott	Erickson	Fry
Hamilton	Henderson	Herbkersman
Huggins	Johnson	Jordan
Loftis	Long	Lowe
Magnuson	Martin	McKnight
D. C. Moss	Murphy	B. Newton
W. Newton	Putnam	S. Rivers
G. R. Smith	Taylor	Toole

**Total--39**

So, the amendment was tabled.

Rep. FELDER explained the Bill.

The question then recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 104; Nays 5

Those who voted in the affirmative are:

Alexander	Allison	Anderson
Anthony	Arrington	Atkinson
Atwater	Bales	Ballentine
Bamberg	Bannister	Bedingfield
Bernstein	Blackwell	Bowers
Bradley	Brown	Burns
Caskey	Chumley	Clary
Clyburn	Cobb-Hunter	Cogswell
Cole	Collins	Crawford
Crosby	Daning	Davis
Delleney	Dillard	Douglas
Duckworth	Elliott	Erickson
Felder	Finlay	Forrest
Forrester	Fry	Funderburk
Gagnon	Gilliard	Govan
Hamilton	Hardee	Hart
Hayes	Henderson	Henegan
Herbkersman	Hewitt	Hosey
Howard	Huggins	Jefferson

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Johnson	Jordan	King
Kirby	Knight	Loftis
Long	Lowe	Lucas
Mack	McCoy	McCray
McEachern	Mitchell	D. C. Moss
V. S. Moss	Murphy	W. Newton
Norrell	Ott	Parks
Pope	Putnam	Ridgeway
M. Rivers	S. Rivers	Robinson-Simpson
Ryhal	Simrill	G. M. Smith
J. E. Smith	Sottile	Spires
Stavrinakis	Tallon	Taylor
Thayer	Toole	Weeks
West	Wheeler	Whipper
White	Whitmire	Williams
Willis	Yow	

**Total--104**

Those who voted in the negative are:

Bennett	Hill	Magnuson
Martin	B. Newton	

**Total--5**

So, the Bill, as amended, was read the second time and ordered to third reading.

Further proceedings were interrupted by the Joint Assembly.

**JOINT ASSEMBLY**

At 12:00 noon the Senate appeared in the Hall of the House. The President of the Senate called the Joint Assembly to order and announced that it had convened under the terms of a Concurrent Resolution adopted by both Houses.

The Reading Clerk of the Senate read the following Concurrent Resolution:

S. 532 -- Senators Peeler, Alexander, Scott and Verdin: A CONCURRENT RESOLUTION TO FIX WEDNESDAY, APRIL 5, 2017, AT NOON, AS THE DATE AND TIME FOR THE HOUSE OF

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**WEDNESDAY, APRIL 5, 2017**

REPRESENTATIVES AND THE SENATE TO MEET IN JOINT SESSION IN THE HALL OF THE HOUSE OF REPRESENTATIVES FOR THE PURPOSE OF ELECTING AN AT-LARGE MEMBER OF THE BOARD OF VISITORS OF THE CITADEL FOR A TERM TO EXPIRE JUNE 30, 2023; FOR THE PURPOSE OF ELECTING A MEMBER OF THE BOARD OF TRUSTEES OF COASTAL CAROLINA UNIVERSITY FROM THE SECOND CONGRESSIONAL DISTRICT, SEAT 2, FOR A TERM TO EXPIRE JUNE 30, 2021; A MEMBER FROM THE FOURTH CONGRESSIONAL DISTRICT, SEAT 4, FOR A TERM TO EXPIRE JUNE 30, 2021; FROM THE SIXTH CONGRESSIONAL DISTRICT, SEAT 6, FOR A TERM TO EXPIRE JUNE 30, 2021, AND AT-LARGE MEMBERS FROM SEATS 8, 10, 12, 14, AND 15, RESPECTIVELY, ALL FOR TERMS TO EXPIRE JUNE 30, 2021; FOR THE PURPOSE OF ELECTING A MEMBER OF THE BOARD OF TRUSTEES OF THE COLLEGE OF CHARLESTON TO FILL THE TERM OF THE MEMBER FROM THE THIRD CONGRESSIONAL DISTRICT, SEAT 6, FOR A TERM TO EXPIRE JUNE 30, 2020; FOR THE PURPOSE OF ELECTING A MEMBER OF THE BOARD OF TRUSTEES OF LANDER UNIVERSITY TO FILL THE TERM OF THE MEMBER FROM AT-LARGE SEAT 10, WHOSE TERM WILL EXPIRE JUNE 30, 2018; FOR THE PURPOSE OF ELECTING MEMBERS OF THE BOARD OF TRUSTEES OF THE MEDICAL UNIVERSITY OF SOUTH CAROLINA TO FILL THE TERMS OF THE HEALTH PROFESSION MEMBERS FROM THE THIRD AND SIXTH CONGRESSIONAL DISTRICTS WHOSE TERMS WILL EXPIRE JUNE 30, 2018; FOR THE PURPOSE OF ELECTING AN AT-LARGE MEMBER FROM SEAT 8 FROM WINTHROP UNIVERSITY FOR A TERM TO EXPIRE JUNE 30, 2023; AND FOR THE PURPOSE OF ELECTING FOUR AT-LARGE MEMBERS OF THE BOARD OF TRUSTEES OF THE WIL LOU GRAY OPPORTUNITY SCHOOL, ALL FOR TERMS TO EXPIRE JUNE 30, 2021; AND FOR THE PURPOSE OF ELECTING AN AT-LARGE MEMBER OF THE LEGISLATIVE AUDIT COUNCIL PURSUANT TO SECTION 2-15-10 FROM AMONG THE CANDIDATES NOMINATED BY THE LEGISLATIVE AUDIT COUNCIL NOMINATING COMMITTEE PURSUANT TO SECTION 2-15-20, FOR A TERM TO EXPIRE ON JUNE 30, 2023.

**WEDNESDAY, APRIL 5, 2017**

**STATE COLLEGE AND UNIVERSITY  
BOARDS OF TRUSTEES**

**THE CITADEL**

**ONE AT-LARGE SEAT**

The PRESIDENT announced that nominations were in order for the At-Large Seat.

Senator Peeler, on behalf of the Joint Screening Committee, stated that James H. "Jim" Harrison and Tee Hooper had been screened and found qualified.

Senator Peeler stated that Tee Hooper had withdrawn from the race and placed the name of the remaining candidate, James H. "Jim" Harrison, in nomination.

On the motion of Senator Peeler, nominations were closed, and with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, James H. "Jim" Harrison was duly elected for the term prescribed by law.

**COLLEGE OF CHARLESTON**

**THIRD CONGRESSIONAL DISTRICT, SEAT 6**

The PRESIDENT announced that nominations were in order for the Third Congressional District, Seat 6.

Senator Peeler, on behalf of the Joint Screening Committee, stated that Craig C. Thornton and A. Scott Ward had been screened and found qualified.

Senator Peeler stated that A. Scott Ward had withdrawn from the race and placed the name of the remaining candidate, Craig C. Thornton, in nomination.

On the motion of Senator Peeler, nominations were closed, and with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, Craig C. Thornton was duly elected for the term prescribed by law.

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**COASTAL CAROLINA UNIVERSITY**

**SECOND CONGRESSIONAL DISTRICT, SEAT 2**

The PRESIDENT announced that nominations were in order for the Second Congressional District, Seat 2.

Senator Peeler, on behalf of the Joint Screening Committee, stated that Oran P. Smith had been screened, found qualified, and placed his name in nomination.

On the motion of Senator Peeler, nominations were closed, and with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, Oran P. Smith was duly elected for the term prescribed by law.

**FOURTH CONGRESSIONAL DISTRICT, SEAT 4**

The PRESIDENT announced that nominations were in order for the Fourth Congressional District, Seat 4.

Senator Peeler, on behalf of the Joint Screening Committee, stated that D. Wyatt Henderson had been screened, found qualified, and placed his name in nomination.

On the motion of Senator Peeler, nominations were closed, and with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, D. Wyatt Henderson was duly elected for the term prescribed by law.

**SIXTH CONGRESSIONAL DISTRICT, SEAT 6**

The PRESIDENT announced that nominations were in order for the Sixth Congressional District, Seat 6.

Senator Peeler, on behalf of the Joint Screening Committee, stated that John H. Bartell, Jr., had been screened, found qualified, and placed his name in nomination.

On the motion of Senator Peeler, nominations were closed, and with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, John H. Bartell, Jr., was duly elected for the term prescribed by law.

**AT-LARGE, SEAT 8**

The PRESIDENT announced that nominations were in order for the At-Large Seat, Seat 8.

**WEDNESDAY, APRIL 5, 2017**

Senator Peeler, on behalf of the Joint Screening Committee, stated that Carlos C. Johnson and Edward R. Tkacz had been screened and found qualified.

Senator Peeler stated that Edward R. Tkacz had withdrawn from the race and placed the name of the remaining candidate, Carlos C. Johnson, in nomination.

On the motion of Senator Peeler, nominations were closed, and with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, Carlos C. Johnson was duly elected for the term prescribed by law.

**AT-LARGE, SEAT 10**

The PRESIDENT announced that nominations were in order for the At-Large Seat, Seat 10.

Senator Peeler, on behalf of the Joint Screening Committee, stated that Samuel J. Swad had been screened, found qualified, and placed his name in nomination.

On the motion of Senator Peeler, nominations were closed, and with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, Samuel J. Swad was duly elected for the term prescribed by law.

**AT-LARGE, SEAT 12**

The PRESIDENT announced that nominations were in order for the At-Large Seat, Seat 12.

Senator Peeler, on behalf of the Joint Screening Committee, stated that H. Delan Stevens had been screened, found qualified, and placed his name in nomination.

On the motion of Senator Peeler, nominations were closed, and with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, H. Delan Stevens was duly elected for the term prescribed by law.

**AT-LARGE, SEAT 14**

The PRESIDENT announced that nominations were in order for the At-Large Seat, Seat 14.

**WEDNESDAY, APRIL 5, 2017**

Senator Peeler, on behalf of the Joint Screening Committee, stated that Daniel W. R. Moore had been screened, found qualified, and placed his name in nomination.

On the motion of Senator Peeler, nominations were closed, and with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, Daniel W. R. Moore was duly elected for the term prescribed by law.

**AT-LARGE, SEAT 15**

The PRESIDENT announced that nominations were in order for the At-Large Seat, Seat 15.

Senator Peeler, on behalf of the Joint Screening Committee, stated that Patrick Sparks had been screened, found qualified, and placed his name in nomination.

On the motion of Senator Peeler, nominations were closed, and with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, Patrick Sparks was duly elected for the term prescribed by law.

**LANDER UNIVERSITY**

**AT-LARGE, SEAT 10**

The PRESIDENT announced that nominations were in order for the At-Large Seat, Seat 10.

Senator Peeler, on behalf of the Joint Screening Committee, stated that Peggy Makins had been screened, found qualified, and placed his name in nomination.

On the motion of Senator Peeler, nominations were closed, and with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, Peggy Makins was duly elected for the term prescribed by law.

**MEDICAL UNIVERSITY OF SOUTH CAROLINA**

**THIRD CONGRESSIONAL DISTRICT, MEDICAL MEMBER**

The PRESIDENT announced that nominations were in order for the Third Congressional District, Medical Member.

**WEDNESDAY, APRIL 5, 2017**

Senator Peeler, on behalf of the Joint Screening Committee, stated that Richard M. Christian, Jr., and George P. Cone, Jr., had been screened and found qualified.

Senator Peeler stated that George P. Cone, Jr., had withdrawn from the race and placed the name of the remaining candidate, Richard M. Christian, Jr., in nomination.

On the motion of Senator Peeler, nominations were closed, and with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, Richard M. Christian, Jr., was duly elected for the term prescribed by law.

**SIXTH CONGRESSIONAL DISTRICT, MEDICAL MEMBER**

The PRESIDENT announced that nominations were in order for the Sixth Congressional District, Medical Member.

Senator Peeler, on behalf of the Joint Screening Committee, stated that Robert C. Gordon had been screened, found qualified, and placed his name in nomination.

On the motion of Senator Peeler, nominations were closed, and with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, Robert C. Gordon was duly elected for the term prescribed by law.

**WINTHROP UNIVERSITY**

**AT-LARGE, SEAT 8**

The PRESIDENT announced that nominations were in order for the At-Large Seat, Seat 8.

Senator Peeler, on behalf of the Joint Screening Committee, stated that Sandra Roberts Stroman had been screened, found qualified, and placed his name in nomination.

On the motion of Senator Peeler, nominations were closed, and with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, Sandra Roberts Stroman was duly elected for the term prescribed by law.

**WEDNESDAY, APRIL 5, 2017**

**WIL LOU GRAY OPPORTUNITY SCHOOL**

**FOUR AT-LARGE SEATS**

The PRESIDENT announced that nominations were in order for the four At-Large Seats.

Senator Peeler, on behalf of the Joint Screening Committee, stated that the following had been screened, found qualified: D. Stewart Cooner, Angela Hanyak, Russell E. Hart, and Jerome C. Wyatt.

On the motion of Senator Peeler, nominations were closed, and with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominees.

Whereupon, D. Stewart Cooner, Angela Hanyak, Russell E. Hart, and Jerome C. Wyatt were duly elected for the term prescribed by law.

**LEGISLATIVE AUDIT COUNCIL**

The PRESIDENT announced that nominations were in order for the Legislative Audit Council.

Senator Malloy, on behalf of the Joint Screening Committee, stated that the following had been screened, found qualified: John B. Dangler.

On the motion of Senator Malloy, nominations were closed, and with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominees.

Whereupon, John B. Dangler was duly elected for the term prescribed by law.

**JOINT ASSEMBLY RECEDES**

The purposes of the Joint Assembly having been accomplished, the PRESIDENT announced that under the terms of the Concurrent Resolution the Joint Assembly would recede from business.

The Senate accordingly retired to its Chamber.

**THE HOUSE RESUMES**

At 12:25 p.m. the House resumed, the SPEAKER in the Chair.

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. BURNS a temporary leave of absence.

Rep. BLACKWELL moved that the House recede until 1:45 p.m., which was agreed to.

**WEDNESDAY, APRIL 5, 2017**

**THE HOUSE RESUMES**

At 1:45 p.m. the House resumed, the SPEAKER in the Chair.

**POINT OF QUORUM**

The question of a quorum was raised.

A quorum was later present.

Further proceedings were interrupted by expiration of time on the uncontested Calendar.

**H. 3726--CONFERENCE REPORT ADOPTED**

**CONFERENCE REPORT**

H. 3726

The General Assembly, Columbia, S.C., April 4, 2017

The COMMITTEE OF CONFERENCE, to whom was referred (Doc. No. H:\SA\3726C001.DKA.SA17.DOCX):

H. 3726 -- Reps. Herbkersman, Cobb-Hunter, Anthony, Whitmire, Stringer, Bradley, Lucas and White: A BILL TO AMEND SECTION 9-1-1085, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE SOUTH CAROLINA RETIREMENT SYSTEM EMPLOYER AND EMPLOYEE CONTRIBUTION RATES, SO AS TO CHANGE FUTURE EMPLOYER AND EMPLOYEE CONTRIBUTION RATES AND TO REQUIRE THAT THE UNFUNDED LIABILITIES OF THE SYSTEM MUST BE ON A CERTAIN AMORTIZATION SCHEDULE; TO AMEND SECTION 9-11-225, RELATING TO THE POLICE OFFICERS RETIREMENT SYSTEM EMPLOYER AND EMPLOYEE CONTRIBUTION RATES, SO AS TO CHANGE FUTURE EMPLOYER AND EMPLOYEE CONTRIBUTION RATES AND TO REQUIRE THAT THE UNFUNDED LIABILITIES OF THE SYSTEM MUST BE ON A CERTAIN AMORTIZATION SCHEDULE; TO AMEND SECTION 9-16-335, RELATING TO THE ASSUMED RATE OF RETURN, SO AS TO CHANGE THE ASSUMED RATE OF RETURN TO SEVEN AND ONE QUARTER PERCENT AND TO PROVIDE THAT THE ASSUMED RATE OF RETURN EXPIRES EVERY FOUR YEARS; TO AMEND SECTION 9-4-10, RELATING TO THE TERM OF MEMBERS OF THE BOARD OF DIRECTORS OF THE SOUTH CAROLINA PUBLIC EMPLOYEE BENEFIT AUTHORITY (PEBA),

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SO AS TO CHANGE THE TERM FROM TWO TO FIVE YEARS AND TO REQUIRE THE BOARD TO EMPLOY AN EXECUTIVE DIRECTOR; TO AMEND SECTION 9-4-40, RELATING TO THE AUDIT OF PEBA, SO AS TO REQUIRE PEBA TO BE AUDITED EVERY FOUR YEARS; TO AMEND SECTION 9-16-10, AS AMENDED, RELATING TO RETIREMENT SYSTEM FUNDS "FIDUCIARY" DEFINITION, SO AS TO ADD THE COMMISSION'S "CHIEF EXECUTIVE OFFICER" TO THE DEFINITION; TO AMEND SECTION 9-16-90, AS AMENDED, RELATING TO CERTAIN INVESTMENT REPORTS, SO AS TO PROVIDE THAT CERTAIN REPORTS MUST CONTAIN A SCHEDULE OF NET MANAGER FEES AND EXPENSES; TO AMEND SECTION 9-16-315, AS AMENDED, RELATING TO THE RETIREMENT SYSTEM INVESTMENT COMMISSION, SO AS TO CHANGE CERTAIN MEMBERS OF THE COMMISSION, TO ADD QUALIFICATIONS, AND TO REQUIRE THE COMMISSION TO EMPLOY AN EXECUTIVE DIRECTOR; TO AMEND SECTION 9-16-330, AS AMENDED, RELATING TO CERTAIN STATEMENTS OF ACTUARIAL ASSUMPTIONS AND INVESTMENT OBJECTIVES, SO AS TO ALLOW FOR CERTAIN DELEGATIONS TO THE CHIEF INVESTMENT OFFICER, AND TO REQUIRE THE INVESTMENT PLAN TO INCLUDE THE FINAL AUTHORITY TO INVEST MADE BY THE COMMISSION; TO AMEND SECTION 9-16-380, RELATING TO THE AUDIT OF THE RETIREMENT SYSTEM INVESTMENT COMMISSION, SO AS TO PROVIDE THAT THE RETIREMENT SYSTEM INVESTMENT COMMISSION BE AUDITED EVERY FOUR YEARS; BY ADDING SECTION 9-16-100 SO AS TO PLACE CERTAIN RESTRICTIONS ON LOBBYISTS AND TO PROHIBIT THE COMMISSION FROM MAKING CERTAIN INVESTMENTS; TO AMEND SECTION 9-1-1310, AS AMENDED, RELATING TO THE TRUSTEE OF THE RETIREMENT SYSTEM, SO AS TO CHANGE A TRUSTEE FROM THE STATE FISCAL ACCOUNTABILITY AUTHORITY TO THE RETIREMENT SYSTEM INVESTMENT COMMISSION; TO AMEND SECTION 9-1-1320, RELATING TO THE CUSTODY OF THE ASSETS OF THE RETIREMENT SYSTEM, SO AS TO CHANGE THE CUSTODIAN OF THE ASSETS FROM THE STATE TREASURER TO THE BOARD OF DIRECTORS OF PEBA; TO AMEND SECTION 1-3-240, AS AMENDED, RELATING TO THE REMOVAL OF OFFICERS BY THE GOVERNOR, SO AS TO ADD THE SOUTH CAROLINA RETIREMENT INVESTMENT

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COMMISSION MEMBERS AND THE SOUTH CAROLINA PUBLIC BENEFIT AUTHORITY MEMBERS; AND TO REPEAL SECTIONS 9-4-45, 9-8-170, 9-9-160, 9-10-80, AND 9-11-250 RELATING TO POLICY DETERMINATIONS AND THE CUSTODY OF FUNDS FOR THE RETIREMENT SYSTEM FOR JUDGES AND SOLICITORS, THE RETIREMENT SYSTEM FOR MEMBERS OF THE GENERAL ASSEMBLY, THE NATIONAL GUARD RETIREMENT SYSTEM, AND THE POLICE OFFICERS RETIREMENT SYSTEM.

Beg leave to report that they have duly and carefully considered the same and recommend:

That the same do pass with the following amendments: (Reference is to Printer's Version 3/9/17.)

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

/ Part I

Funding of the Retirement System

SECTION 1. Section 9-1-1085 of the 1976 Code, as added by Act 278 of 2012, is amended to read:

“Section 9-1-1085. (A) As provided in Sections 9-1-1020 and 9-1-1050, the employer and employee contribution rates for the system beginning in Fiscal Year ~~2012-2013~~ 2017-2018, expressed as a percentage of earnable compensation, are as follows:

Fiscal Year	Employer Contribution	Employee Contribution
<del>2012-2013</del>	<del>10.60</del>	<del>7.00</del>
<del>2013-2014</del>	<del>10.60</del>	<del>7.50</del>
<del>2014-2015 and after</del>	<del>10.90</del>	<del>8.00</del>
<u>2017-2018</u>	<u>13.56</u>	<u>9.00</u>
<u>2018-2019</u>	<u>14.56</u>	<u>9.00</u>
<u>2019-2020</u>	<u>15.56</u>	<u>9.00</u>
<u>2020-2021</u>	<u>16.56</u>	<u>9.00</u>
<u>2021-2022</u>	<u>17.56</u>	<u>9.00</u>
<u>2022-2023</u>	<u>18.56</u>	<u>9.00</u>
<u>2023-2024</u>	<u>18.56</u>	<u>9.00</u>
<u>2024-2025</u>	<u>18.56</u>	<u>9.00</u>
<u>2025-2026</u>	<u>18.56</u>	<u>9.00</u>
<u>2026-2027 and after</u>	<u>18.56</u>	<u>9.00</u>

The employer contribution rate set out in this schedule includes contributions for participation in the incidental death benefit plan provided in Sections 9-1-1770 and 9-1-1775. The employer contribution

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rate for employers that do not participate in the incidental death benefit plan must be adjusted accordingly.

(B) After June 30, ~~2015~~ 2027, the board may increase the percentage rate in employer ~~and employee~~ contributions for the system on the basis of the actuarial valuation, ~~but any such increase may not result in a differential between the employee and employer contribution rate for the system that exceeds 2.9 percent of earnable compensation.~~ An increase in the employer contribution rate adopted by the board pursuant to this section may not provide for an increase in an amount of more than one-half of one percent of earnable compensation in any one year.

(C)(1) The unfunded actuarial accrued liability (UAAL) of the system as determined by the annual actuarial valuation must be amortized over a funding period that does not exceed the following schedule:

<u>Fiscal Year</u>	<u>Funding Period</u>
<u>2017-2018</u>	<u>30 years</u>
<u>2018-2019</u>	<u>29 years</u>
<u>2019-2020</u>	<u>28 years</u>
<u>2020-2021</u>	<u>27 years</u>
<u>2021-2022</u>	<u>26 years</u>
<u>2022-2023</u>	<u>25 years</u>
<u>2023-2024</u>	<u>24 years</u>
<u>2024-2025</u>	<u>23 years</u>
<u>2025-2026</u>	<u>22 years</u>
<u>2026-2027</u>	<u>21 years</u>
<u>2027-2028 and after</u>	<u>20 years</u>

(2) If the scheduled employer and employee contributions provided in subsection (A), or the rates last adopted by the board pursuant to subsection (B), are insufficient to ~~maintain a thirty year amortization schedule for the unfunded liabilities of the system~~ meet the funding period set forth in item (1) for the applicable year, then the board shall increase the employer contribution rate ~~as provided in subsection (A) or as last adopted by the board in equal percentage amounts for employer and employee contributions as necessary to maintain an amortization schedule of no more than thirty years~~ meet the funding period set forth in item (1). Such adjustments may be made without regard to the annual limit increase of one-half of one percent of earnable compensation provided pursuant to subsection (B), ~~but the differential in the employer and employee contribution rates provided in subsection (A) or subsection (B), as applicable, of this section must be maintained at the rate provided in the schedule for the applicable fiscal year.~~ Participating employers must be notified of any contribution rate increase required by

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this item by July first of the fiscal year preceding the fiscal year in which the increase takes effect.

(D)(1) After June 30, ~~2015~~ 2027, if the most recent annual actuarial valuation of the system shows a ratio of the actuarial value of system assets to the actuarial accrued liability of the system (the funded ratio) that is equal to or greater than ~~ninety eighty-five~~ percent, then the board, effective on the following July first, may decrease the then current employer and employee contribution rates in equal amounts upon making a finding that the decrease will not result in a funded ratio of less than ~~ninety eighty-five~~ percent. However, the employee contribution rate may not be less than one-half of the normal cost for the system and any contribution reduction allowed by this item after the employee contribution rate equals one-half of the normal cost must be a reduction in the employer contribution rate. ~~Any decrease in contribution rates must maintain the 2.9 percent differential between employer and employee contribution rates provided pursuant to subsection (B) of this section.~~

(2) If contribution rates are decreased pursuant to item (1) of this subsection and the most recent annual actuarial valuation of the system shows a funded ratio of less than ~~ninety eighty-five~~ percent, then effective on the following July first, and annually ~~thereafter~~ after that time as necessary, the board shall increase the then current employer and employee contribution rates as provided pursuant to subsection (B) of this section in equal amounts not exceeding one-half of one percent of earnable compensation in any one year until a subsequent annual actuarial valuation of the system shows a funded ratio that is equal to or greater than ~~ninety eighty-five~~ percent. However, the employee contribution rate may not exceed nine percent and any contribution increase required by this item after the employee contribution rate equals nine percent must be an employer contribution rate.”

SECTION 2. Section 9-11-225 of the 1976 Code, as added by Act 278 of 2012, is amended to read:

“Section 9-11-225. (A) As provided in Sections 9-11-210 and 9-11-220, the employer and employee contribution rates for the system beginning in Fiscal Year ~~2012-2013~~ 2017-2018, expressed as a percentage of earnable compensation, are as follows:

Fiscal Year	Employer Contribution	Employee Contribution
<u>2012-2013</u>	<u>12.30</u>	<u>7.00</u>
<u>2013-2014</u>	<u>12.50</u>	<u>7.50</u>
<u>2014-2015 and after</u>	<u>13.00</u>	<u>8.00</u>
<u>2017-2018</u>	<u>16.24</u>	<u>9.75</u>

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<u>2018-2019</u>	<u>17.24</u>	<u>9.75</u>
<u>2019-2020</u>	<u>18.24</u>	<u>9.75</u>
<u>2020-2021</u>	<u>19.24</u>	<u>9.75</u>
<u>2021-2022</u>	<u>20.24</u>	<u>9.75</u>
<u>2022-2023</u>	<u>21.24</u>	<u>9.75</u>
<u>2023-2024</u>	<u>21.24</u>	<u>9.75</u>
<u>2024-2025</u>	<u>21.24</u>	<u>9.75</u>
<u>2025-2026</u>	<u>21.24</u>	<u>9.75</u>
<u>2026-2027 and after</u>	<u>21.24</u>	<u>9.75</u>

The employer contribution rate set out in this schedule includes contributions for participation in the incidental death benefit plan provided in Sections 9-11-120 and 9-11-125 and for participation in the accidental death benefit program provided in Section 9-11-140. The employer contribution rate for employers that do not participate in these programs must be adjusted accordingly.

(B) After June 30, ~~2015~~ 2027, the board may increase the percentage rate in employer ~~and employee~~ contributions for the system on the basis of the actuarial valuation, ~~but any such increase may not result in a differential between the employee and employer contribution rate for that system that exceeds 5.00 percent of earnable compensation.~~ An increase in the employer contribution rate adopted by the board pursuant to this section may not provide for an increase in an amount of more than one-half of one percent of earnable compensation in any one year.

(C)(1) The unfunded actuarial accrued liability (UAAL) of the system as determined by the annual actuarial valuation must be amortized over a funding period that does not exceed the following schedule:

<u>Fiscal Year</u>	<u>Funding Period</u>
<u>2017-2018</u>	<u>30 years</u>
<u>2018-2019</u>	<u>29 years</u>
<u>2019-2020</u>	<u>28 years</u>
<u>2020-2021</u>	<u>27 years</u>
<u>2021-2022</u>	<u>26 years</u>
<u>2022-2023</u>	<u>25 years</u>
<u>2023-2024</u>	<u>24 years</u>
<u>2024-2025</u>	<u>23 years</u>
<u>2025-2026</u>	<u>22 years</u>
<u>2026-2027</u>	<u>21 years</u>
<u>2027-2028 and after</u>	<u>20 years</u>

(2) If the scheduled employer and employee contributions provided in subsection (A), or the rates last adopted by the board pursuant to subsection (B), are insufficient to ~~maintain a thirty year~~

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~~amortization schedule for the unfunded liabilities of the system meet the funding period set forth in item (1), for the applicable year, then the board shall increase the employer contribution rate as provided in subsection (A) or as last adopted by the board in equal percentage amounts for employer and employee contributions as necessary to maintain an amortization schedule of no more than thirty years meet the funding period set forth in item (1). Such adjustments may be made without regard to the annual limit increase of one-half of one percent of earnable compensation provided pursuant to subsection (B), but the differential in the employer and employee contribution rates provided in subsection (A) or subsection (B), as applicable, of this section must be maintained at the rate provided in the schedule for the applicable fiscal year. Participating employers must be notified of any contribution rate increase required by this item by July first of the fiscal year preceding the fiscal year in which the increase takes effect.~~

(D)(1) After June 30, ~~2015~~ 2027, if the most recent annual actuarial valuation of the system shows a ratio of the actuarial value of system assets to the actuarial accrued liability of the system (the funded ratio) that is equal to or greater than ~~ninety~~ eighty-five percent, then the board, effective on the following July first, may decrease the then current employer and employee contribution rates in equal amounts upon making a finding that the decrease will not result in a funded ratio of less than ~~ninety~~ eighty-five percent. However, the employee contribution rate may not be less than one-half of the normal cost for the system and any contribution reduction allowed by this item after the employee contribution rate equals one-half of the normal cost must be a reduction in the employer contribution rate. ~~Any decrease in contribution rates must maintain the 5.0 percent differential between employer and employee contribution rates provided pursuant to subsection (B) of this section.~~

(2) If contribution rates are decreased pursuant to item (1) of this subsection and the most recent annual actuarial valuation of the system shows a funded ratio of less than ~~ninety~~ eighty-five percent, then effective on the following July first, and annually ~~thereafter~~ after that time as necessary, the board shall increase the then current employer and employee contribution rates as provided pursuant to subsection (B) of this section in equal amounts not exceeding one-half of one percent of earnable compensation in any one year until a subsequent annual actuarial valuation of the system shows a funded ratio that is equal to or greater than ~~ninety~~ eighty-five percent. However the employee contribution rate may not exceed nine and three quarters of one percent

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and any contribution increase required by this item after the employee contribution rate equals nine and three quarters of one percent must be an increase in the employer contribution rate.”

SECTION 3. Section 9-16-335 of the 1976 Code, as added by Act 278 of 2012, is amended to read:

“Section 9-16-335. (A) For all purposes of this title, the assumed annual rate of return on the investments of the Retirement System must be established by the General Assembly pursuant to this section. Effective July 1, ~~2012~~ 2017, the assumed annual rate of return on retirement system investments is seven ~~and one-half~~ and one quarter percent.

(B) The assumed rate of return set in subsection (A) expires on July 1, 2021. A new annual rate of return must be set and made effective no later than July 1, 2021, and, every four years after, a new annual rate must be set and made effective. Before January first of each year that the assumed rate of return is due to expire, the board shall submit a proposed assumed annual rate of return for the corresponding four-year period. The proposed assumed annual rate of return must be developed based on the recommendations of the board’s actuary and in consultation with the commission, and must be submitted to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee. If the General Assembly does not enact a joint resolution that continues or amends the assumed annual rate of return before expiration, the assumed annual rate of return developed and submitted by the board takes effect for the corresponding four-year period until subsequent action of the General Assembly.”

Part II

Public Employee Benefit Authority

SECTION 4. Section 9-4-10 of the 1976 Code, as added by Act 278 of 2012, is amended to read:

“Section 9-4-10. (A) Effective July 1, 2012, there is created the South Carolina Public Employee Benefit Authority. The sole governing body of the authority is a board of directors consisting of eleven members. The functions of the authority must be performed, exercised, and discharged under the supervision and direction of the board of directors.

(B)(1) The board is composed of:

(a) three nonrepresentative members appointed by the Governor;

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(b) two members appointed by the President *Pro Tempore* of the Senate, one a nonrepresentative member and one a representative member who is either an active or retired member of SCPORS;

(c) two members appointed by the Chairman of the Senate Finance Committee, one a nonrepresentative member and one a representative member who is a retired member of SCRS;

(d) two members appointed by the Speaker of the House of Representatives, one a nonrepresentative member and one a representative member who must be a state employee who is an active contributing member of SCRS; and

(e) two members appointed by the Chairman of the House Ways and Means Committee, one a nonrepresentative member and one a representative member who is an active contributing member of SCRS employed by a public school district.

(2) For purposes of the appointments provided by this section, a nonrepresentative member may not belong to those classes of employees and retirees from whom representative members must be appointed.

(C)(1) A nonrepresentative member may not be appointed to the board unless the person possesses at least one of the following qualifications:

(a) at least twelve years of professional experience in the financial management of pensions or insurance plans;

(b) at least twelve years academic experience and holds a bachelor's or higher degree from a college or university as classified by the Carnegie Foundation;

(c) at least twelve years of professional experience as a certified public accountant with financial management, pension, or insurance audit expertise;

(d) at least twelve years as a Certified Financial Planner credentialed by the Certified Financial Planner Board of Standards; or

(e) at least twelve years membership in the South Carolina Bar and extensive experience in one or more of the following areas of law:

(i) taxation;

(ii) insurance;

(iii) health care;

(iv) securities;

(v) corporate;

(vi) finance; or

(vii) the Employment Retirement Income Security Act (ERISA).



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(2) A representative member may not be appointed to the board unless the person:

(a) possesses one of the qualifications set forth in item (1); or

(b) has at least twelve years of public employment experience and holds a bachelor's degree from a college or university as classified by the Carnegie Foundation.

(D) In making appointments, the appointing authorities shall select members who are representative of the racial, gender, and geographical diversity of the State.

(E) Members of the board shall serve for terms of ~~two~~ four years and until their successors are appointed and qualify, except that the terms of the board members appointed by the Governor on July 1, 2016, expire on June 30, 2018, the terms of the nonrepresentative board members appointed by members of the General Assembly on July 1, 2016, expire on June 30, 2019, and the terms of the representative board members appointed by members of the General Assembly on July 1, 2016, expire on June 30, 2020. Vacancies must be filled within sixty days in the manner of original appointment for the unexpired portion of the term. Terms ~~commence on July first of even numbered years~~ expire after June thirtieth of the year in which the term is due to expire. Upon a ~~member's~~ person's appointment, the appointing official shall certify to the Secretary of State that the appointee meets or exceeds the qualifications set forth in subsections (B) and (C). ~~No~~ A person appointed may not qualify unless he first certifies that he meets or exceeds the qualifications applicable for their appointment. A member ~~serves at the pleasure of the member's appointing authority~~ may be removed before the term expires only by the Governor for the reasons provided in Section 1-3-240(C). A member may not be appointed to serve more than two consecutive four-year terms, except that a member of the board who has five or more years of consecutive service on the board at the expiration of his term, beginning July 1, 2016, may not be appointed to serve for more than one additional consecutive four-year term.

~~(E)~~(F) The members shall select a nonrepresentative member to serve as chairman and shall select those other officers they determine necessary. Subject to the qualifications for chairman provided in this section, members may set their own policy related to the rotation of the selection of a chairman of the board.

~~(F)~~(G)(1) Each member ~~must~~ shall receive an annual salary of twelve thousand dollars. This compensation must be paid from approved accounts of general funds and retirement system funds based on the proportionate amount of time the board devotes to its various functions.

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Members may receive the mileage and subsistence authorized by law for members of state boards, commissions, and committees paid from approved accounts funded by general funds and retirement system funds in the proportion that compensation is paid.

(2) Notwithstanding any other provision of law, membership on the board does not make a member eligible to participate in a retirement system administered pursuant to this title and does not make a member eligible to participate in the employee insurance program administered pursuant to Article 5, Chapter 11, Title 1. Any compensation paid on account of the member's service on the board is not considered earnable compensation for purposes of any state retirement system.

~~(G)~~(H) Minimally, the board shall meet ~~monthly~~ quarterly and at other times set by the board. If the chairman considers it more effective, the board may meet by teleconferencing or video conferencing. However, if the agenda of the meeting consists of items that are not exempt from disclosure or the meeting may not be closed to the public pursuant to Chapter 4, Title 30, the provisions of Chapter 4, Title 30 apply, and the meeting must be open to the public.

~~(H)~~(I) Effective July 1, 2012, the following offices, divisions, or components of the State Budget and Control Board are transferred to, and incorporated into, an administrative agency of state government to be known as the South Carolina Public Employee Benefit Authority:

- (1) Employee Insurance Program; and
- (2) the Retirement Division.

(J) The board shall employ an executive director who will serve at the pleasure of the board. The executive director is the chief administrative officer of the authority as an agency and is charged with the affirmative duty to carry out the mission, policies, and direction of the board as established by the board. The executive director is delegated all the authority of the board necessary, reasonable, and prudent to carry out the operation and management of the authority as an agency and to implement the board's decisions and directives. The executive director shall employ the other professional, administrative, and clerical personnel he determines necessary to support the administration and operation of the authority and fix their compensation pursuant to an organizational plan approved by the authority.

(K) Members of the board and the executive director, and other employees or agents designated by the board, are fiduciaries of the authority and in discharging their duties as fiduciaries shall act:

(1) only in the interest of the participants and beneficiaries of the employee benefit plans administered by the authority;

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(2) for the exclusive purpose of providing retirement and insurance benefits to participants and beneficiaries of the employee benefit plans administered by the authority and paying reasonable expenses of administering those employee benefit plans;

(3) with the care, skill, and caution under the circumstances then prevailing which a prudent person acting in a like capacity and familiar with those matters would use in the conduct of an activity of like character and purpose;

(4) impartially, taking into account any differing interests of participants and beneficiaries;

(5) incurring only costs that are appropriate and reasonable; and

(6) in accordance with a good faith interpretation of this chapter and other applicable provisions of law.

(L)(1) A board member or other fiduciary employed by the authority who breaches a duty imposed by this section personally is liable to the affected employee benefit plan administered by the authority for any losses resulting from the breach and any profits resulting from the breach or made by the board member or other fiduciary through use of assets of the employee benefit plan by the board member or other fiduciary. The board member or other fiduciary is subject to other equitable remedies, as the court considers appropriate, including removal.

(2) An agreement that purports to limit the liability of a fiduciary for a breach of duty under this section is void.

(3) The authority may insure a fiduciary or itself against liability or losses occurring because of a breach of duty under this section.

(4) A fiduciary may insure against personal liability or losses occurring because of a breach of duty under this section if the insurance is purchased or provided by the individual fiduciary, but a fiduciary who obtains insurance pursuant to this section shall disclose all terms, conditions, and other information relating to the insurance policy to the authority.

(5) Nothing in this subsection may be construed to limit the applicability of the provisions of Section 9-4-15.”

SECTION 5. Section 9-4-40 of the 1976 Code, as last amended by Act 278 of 2012, is further amended to read:

~~“Section 9-4-40. Each year in the general appropriations act, the General Assembly shall appropriate sufficient funds to the Office of the State Inspector General to~~ Every four years the State Auditor shall employ a private audit firm to perform a fiduciary audit on the South Carolina Public Employee Benefit Authority. The audit firm must be selected by the ~~State Inspector General~~ State Auditor. ~~The~~ A report from

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~~the previous fiscal year the private audit firm must be completed by January fifteenth 15, 2019, and every four years after that time.~~ Upon completion, the report must be submitted to the Governor, the President *Pro Tempore* of the Senate, the Speaker of the House of Representatives, the Chairman of the Senate Finance Committee, and the Chairman of the House Ways and Means Committee.”

SECTION 6. Section 9-1-240 of the 1976 Code is amended to read:

“Section 9-1-240. The board shall designate an actuary, subject to the approval of the State Fiscal Accountability Authority or its successor, who ~~shall be~~ is the technical advisor of the board on matters regarding the operation of the system and shall perform such other duties as are required in connection therewith, provided, however, that the Retirement System Investment Commission is a third-party beneficiary of the contract with the actuary, with full rights to all actuarial valuations prepared by the actuary. The board shall provide to the State Fiscal Accountability Authority or its successor actuarial valuations and reports requested.”

### Part III

#### Retirement System Investment Commission

SECTION 7. Section 9-16-10(4) of the 1976 Code, as last amended by Act 153 of 2005, is further amended by adding an appropriately lettered subitem to read:

“( ) is the commission’s chief executive officer.”

SECTION 8. Section 9-16-30 of the 1976 Code, as last amended by Act 153 of 2005, is further amended by adding an appropriately lettered subsection to read:

“( ) The commission shall cast shareholder proxy votes that are in keeping with its fiduciary duties that are consistent with the best interest of the trust fund and most likely to maximize shareholder value.”

SECTION 9. Section 9-16-90(B) of the 1976 Code, as last amended by Act 153 of 2005, is further amended to read:

“(B) In addition to the quarterly reports provided in subsection (A), the commission shall provide an annual report to the State Fiscal Accountability Authority, Revenue and Fiscal Affairs Office, and the Executive Budget Office, the Speaker of the House of Representatives, members of the House of Representatives or Senate, but only upon their request, the President *Pro Tempore* of the Senate, and other appropriate officials and entities of the investment status of the retirement systems. The report must contain:

(1) a description of a material interest held by a trustee, fiduciary, or an employee who is a fiduciary with respect to the investment and

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management of assets of the system, or by a related person, in a material transaction with the system within the last three years or proposed to be effected;

(2) a schedule of the rates of return, net of total investment expense, on assets of the system overall and on assets aggregated by category over the most recent one-year, three-year, five-year, and ten-year periods, to the extent available, and the rates of return on appropriate benchmarks for assets of the system overall and for each category over each period;

(3) a schedule of the sum of total investment expense, manager fees and expenses, and ~~total~~ general administrative expense for the fiscal year expressed as a percentage of the fair value of assets of the system on the last day of the fiscal year, and an equivalent percentage for the preceding five fiscal years; ~~and~~

(4) a schedule of the net manager fees and expenses for each asset class for the fiscal year, including the total amount of manager fee and expense for each asset class and the amount of manager fee and expense for each asset class divided into the amounts attributable to management fees, performance fees or carried interest, and other expenses charged to the managed investment vehicle. The amount of manager fees and expenses must be expressed in total, and in each category of fee and expense, as a dollar amount and a percentage of the fair value of assets of the system on the last day of the fiscal year. The schedule also must include the net investment return for each asset class. In addition to being included in the annual report required by this subsection, the schedule of manager fees and expenses required by this item also must be published in a conspicuous location on the commission's website; and

(5) a schedule of all assets held for investment purposes on the last day of the fiscal year aggregated and identified by issuer, borrower, lessor, or similar party to the transaction stating, if relevant, the asset's maturity date, rate of interest, par or maturity value, number of shares, costs, and fair value and identifying an asset that is in default or classified as uncollectible.

(6) a schedule of investment decisions that have been delegated from the commission to the chief investment officer to include the name, asset class, asset value, fees paid, and performance since inception by manager.

These disclosure requirements are cumulative to and do not replace other reporting requirements provided by law.”

SECTION 10. Section 9-16-315 of the 1976 Code, as last amended by Act 278 of 2012, is further amended to read:

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“Section 9-16-315. (A) There is established the ‘Retirement System Investment Commission’ (RSIC) consisting of ~~seven~~ eight members, seven of which have voting privileges, as follows:

(1) ~~one two member~~ members appointed by the Governor, one of which is an active member of the South Carolina Retirement System, Police Officers Retirement System, the Judges and Solicitors Retirement System, or the National Guard Retirement System;

(2) one member appointed by the State Treasurer, ex officio;

(3) one member appointed by the Comptroller General;

(4) one member appointed by the Chairman of the Senate Finance Committee;

(5) one member appointed by the Chairman of the House Ways and Means Committee of the House of Representatives;

(6) one member who is a retired member of the ~~retirement system~~ South Carolina Retirement System, Police Officers Retirement System, Judges and Solicitors Retirement System, or National Guard Retirement System. This representative member must be appointed by unanimous vote of the voting members of the commission; and

(7) the Executive Director of South Carolina Public Employee Benefit Authority, ex officio, without voting privileges.

(B) ~~The State Treasurer may appoint a member to serve in his stead. A member appointed by the State Treasurer shall serve for a term coterminous with the State Treasurer and must possess at least one of the qualifications provided in subsection (E). Once appointed, this member may not be removed except as provided in subsection (C)~~ In making appointments, the appointing authorities shall select members who are representative of the racial, gender, and geographical diversity of the State.

~~(C) Except as provided in subsection (B), members~~ Members shall serve for terms of ~~five~~ four years and until their successors are appointed and qualify, ~~except that of those first appointed, the appointees of the Comptroller General and the Chairman of the Senate Finance Committee shall serve for terms of three years and the appointee of the Chairman of the Committee on Ways and Means and the representative appointee shall serve for terms of one year.~~ Except for the Executive Director of the South Carolina Public Employee Benefit Authority, a person appointed may not serve until the appointing official certifies to the Secretary of State that the appointee meets or exceeds the qualifications set forth in subsections (D) and (E). A person appointed may not qualify unless he first certifies that he meets or exceeds the qualifications applicable for his appointment. Terms are deemed to expire after June

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thirtieth of the year in which the term is due to expire. Members are appointed for a term and may be removed before the term expires only by the Governor for the reasons provided in Section 1-3-240(C). A member may not be appointed to serve more than two consecutive full four-year terms. A member serving a second or greater term, beginning July 1, 2016, may not serve an additional consecutive four-year term upon the expiration of his term pursuant to the provisions of this subsection. A member who has served for ten or more years as of July 1, 2017, may complete the term for which he was appointed but may not be reappointed to the commission.

~~(D)~~(C) The commission shall select one of the voting members to serve as chairman and shall select those other officers it determines necessary, ~~but the State Treasurer may not serve as chairman.~~

~~(E)~~(D) A person may not be appointed to the commission unless the person possesses at least one of the following qualifications:

(1) the Chartered Financial Analyst credential of the CFA Institute;

(2) ~~the~~ at least twelve years as a Certified Financial Planner credential of ~~credentialed by~~ the Certified Financial Planner Board of Standards;

(3) ~~reserved~~ the Chartered Alternative Investment Analyst certification of the Chartered Alternative Investment Analyst Association;

(4) at least twenty years professional actuarial experience, including at least ten as an Enrolled Actuary licensed by a Joint Board of the Department of the Treasury and the Department of Labor, to perform a variety of actuarial tasks required of pension plans in the United States by the Employee Retirement Income Security Act of 1974;

(5) at least twenty years professional teaching experience in economics or finance, ten of which must have occurred at a doctorate-granting university, master's granting college or university, or a baccalaureate college as classified by the Carnegie Foundation;

(6) an earned Ph.D. in economics or finance from a doctorate-granting institution as classified by the Carnegie Foundation;

~~or~~

(7) the Certified Internal Auditor credential of The Institute of Internal Auditors;

(8) at least twelve years of professional experience in the financial management of pensions or insurance plans; or

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(9) at least twelve years of professional experience as a certified public accountant with financial management, pension, or insurance audit expertise.

~~(F)(E) Not including the State Treasurer~~ Except for the member appointed pursuant to subsection (A)(6) and (7), no a person may not be appointed or continue to serve who is an elected or appointed officer or employee of the State or any of its political subdivisions, including school districts.

~~(G)(F)~~ The Retirement System Investment Commission is established to invest the funds of the retirement system. All of the powers and duties of the State Budget and Control Board as investor in equity securities and the State Treasurer's function of investing in fixed income instruments are transferred to and devolved upon the Retirement System Investment Commission.

(G) The commission shall employ a chief executive officer who serves at the pleasure of the commission. The chief executive officer is the chief administrative officer of the commission as an agency and is charged with the affirmative duty to carry out the mission, policies, and direction of the commission as established by the commission. The chief executive officer is delegated the authority of the commission necessary, reasonable, and prudent to carry out the operation and management of the commission as an agency and to implement the commission's decisions and directives. Notwithstanding Section 9-16-30, the chief executive officer may execute on behalf of the commission any documents necessary to implement a final decision to invest.

~~(H)(1) To assist the commission in its investment function, it~~ The chief executive officer shall employ a chief investment officer, who under the direction and supervision of the commission, and as its agent. The chief investment officer shall develop and maintain annual investment plans and invest and oversee the investment of retirement system funds subject to the oversight of the chief executive officer. The chief investment officer serves at the pleasure of the commission and must receive the compensation the commission determines appropriate.

(2) The commission may chief executive officer shall employ the other professional, administrative, and clerical personnel # he determines necessary to support the administration and operation of the commission and fix their compensation pursuant to an organizational plan approved by the commission. All employees of the commission are employees at will and serve at the pleasure of the chief executive officer. The compensation of the chief executive officer, chief investment



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officer, and other employees of the commission is not subject to the state compensation plan.

(I) Notwithstanding Section 1-7-170, the commission, in consultation with the Attorney General, may engage, on a fee basis, attorneys necessary to exercise its exclusive authority to invest and manage the retirement system's assets. The commission shall establish policies and procedures for the retention of attorneys pursuant to this subsection and shall notify the Attorney General of the terms and conditions of a representation upon engagement. The commission shall provide quarterly reports to the Attorney General on attorneys retained, hourly rates, and estimated maximum fees, which he shall monitor for reasonableness and to ensure consistency with the terms and conditions of the representation.

~~(H)(J)~~(1) The administrative costs of the Retirement System Investment Commission must be paid from the earnings of the state retirement system ~~in the manner provided in Section 9-1-1310.~~

(2) ~~Effective beginning July 1, 2012,~~ Each commission member, ~~not including except for the Executive Director of the South Carolina Public Employee Benefit Authority, must shall~~ receive an annual salary of twenty thousand dollars plus mileage and subsistence as provided by law for members of state boards, committees, and commissions ~~paid as provided pursuant to item (1) of this subsection.~~ Notwithstanding any other provision of law, membership on the commission does not make a member eligible to participate in a retirement system administered pursuant to this title and does not make a member eligible to participate in the employee insurance program administered pursuant to Article 5, Chapter 11, Title 1, if the member is not otherwise eligible. Compensation paid on account of the member's service on the commission is not considered earnable compensation for purposes of any retirement system administered pursuant to this title.”

SECTION 11. Section 9-16-330 of the 1976 Code, as last amended by Act 153 of 2005, is further amended to read:

“Section 9-16-330. (A) The commission shall provide the chief executive officer and the chief investment officer with a statement of general investment objectives. The commission ~~shall~~ also shall provide the chief executive officer and the chief investment officer with a statement of actuarial assumptions developed by the system's actuary and approved by the board. The commission shall review the statement of general investment objectives annually for the purpose of affirming or changing it and advise the chief executive officer and the chief investment officer of its actions. The retirement system shall provide the

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commission, ~~and~~ its chief executive officer and chief investment officer that data or other information needed to prepare the annual investment plan.

(B)(1) Notwithstanding Section 9-16-30(A), the commission's statement of general investment objectives may include a delegation to the chief investment officer of the final authority to invest an amount not to exceed:

(a) two percent of the total value of portfolio assets for each investment, if the investment is in assets that are publicly tradeable and the investment provides for liquidity in ninety days or less; or

(b) one percent of the total value of portfolio assets for each investment, if the investment is in assets that are not publicly tradeable or the investment's liquidity provision is greater than ninety days.

(2) Any final authority delegated to the chief investment officer pursuant to this subsection must be exercised subject to the oversight of the chief executive officer. The closing documentation of an investment made pursuant to this delegation must include the chief executive officer's certification that the investment conforms to the amount and the extent of the delegation. Any authority exercised pursuant to this section must be exercised in a manner consistent with the limitations imposed by this section and investments may not be divided into smaller amounts in order to avoid these limitations. The commission must be notified of an investment made pursuant to any delegated authority within three business days of the investment's closing and the investment must be reviewed with the commission at its next regularly scheduled meeting. The commission may amend, suspend, or revoke the delegation of the final authority to invest at any time and may place stricter limits on any delegated authority than those provided in this subsection.

(C) The annual investment plan must be consistent with actions taken by the commission pursuant to subsection (A) and must include, but is not limited to, the following components:

- (1) general operational and investment policies;
- (2) investment objectives and performance standards;
- (3) investment strategies, which may include indexed or enhanced indexed strategies as the preferred or exclusive strategies for equity investing, and an explanation of the reasons for the selection of each strategy;
- (4) industry sector, market sector, issuer, and other allocations of assets that provide diversification in accordance with prudent investment

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standards, including desired rates of return and acceptable levels of risks for each asset class;

(5) policies and procedures providing flexibility in responding to market contingencies;

(6) procedures and policies for selecting, monitoring, compensating, and terminating investment consultants, equity investment managers, and other necessary professional service providers; ~~and~~

(7) methods for managing the costs of the investment activities; and

(8) a detailed description of the amount and extent of the final authority to invest made by the commission pursuant to subsection (B).

~~(C)(D)~~ In developing the annual investment plan, the chief investment officer shall:

(1) diversify the investments of the retirement systems, unless the commission reasonably determines that, because of special circumstances, it is clearly not prudent to do so; and

(2) make a reasonable effort to verify facts relevant to the investment of assets of the retirement systems.

(E) Before the implementation of delegation of final investment authority from the commission to the chief investment officer, the commission's external investment consultant shall provide an analysis of the extent of investment authority delegation in other public pension funds, including resulting investment performance, and recommendations regarding policy parameters to govern investment authority delegation. The analysis and recommendations must be completed and provided to the commission before the implementation of delegation of final investment authority to the chief investment officer."

SECTION 12. Section 9-16-380 of the 1976 Code, as added by Act 278 of 2012, is amended to read:

~~"Section 9-16-380. Each year in the general appropriations act, the General Assembly shall appropriate sufficient funds to the Office of the State Inspector General to~~ Every four years the State Auditor shall employ a private audit firm to perform a fiduciary audit on the Retirement System Investment Commission. The audit firm must be selected by the State ~~Inspector General~~ Auditor. ~~The A~~ report from the ~~previous fiscal year private audit firm~~ must be completed by January ~~fifteenth~~ 15, 2019, and every four years after that time. Upon completion, the report must be submitted to the Governor, the President *Pro Tempore* of the Senate, the Speaker of the House of Representatives, the Chairman

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of the Senate Finance Committee, and the Chairman of the House Ways and Means Committee.”

SECTION 13. Article 1, Chapter 16, Title 9 of the 1976 Code is amended by adding:

“Section 9-16-100. (A) A lobbyist, as defined in Section 2-17-10(13), may not contact any member of the commission, the chief executive officer, chief investment officer, or staff member of the commission to solicit the investment of funds with a particular entity regardless of whether the lobbyist represents that entity.

(B) The commission may not make an investment with or invest in a fund managed by an external investment manager if a placement agent receives compensation as a result of the commission’s investment. For purposes of this subsection, ‘placement agent’ means an individual directly or indirectly hired, engaged, or retained by, or serving for the benefit of or on behalf of, an external manager or an investment fund managed by an external manager, and who acts or has acted for compensation as a finder, solicitor, marketer, consultant, broker, or other intermediary in connection with making an investment with or investing in a fund managed by the external investment manager.

(C) The commission may not invest in any asset or with any entity in which a commissioner or his immediate family has any interest. This subsection does not apply to publicly traded securities.”

Part IV

Administration of Retirement System Funds

SECTION 14. Section 9-1-1310(A) of the 1976 Code, as last amended by Act 278 of 2012, is further amended to read:

“(A) ~~The South Carolina Public Employee Benefit Authority and the State Fiscal Accountability Authority, or its successor, Retirement System Investment Commission~~ are cotrustees of the assets of the retirement system as ‘assets’ and ‘retirement system’ is are defined in Section 9-16-10(1) and (8) ~~in performing the functions imposed on them by law in the governance of the Retirement System~~. Notwithstanding any other provision of law, any reference in law to the trustee of the assets of the Retirement System must be construed to conform to the cotrusteeship as provided in this subsection. The Public Employee Benefit Authority shall hold the assets of the Retirement System in a group trust as provided in Section 9-16-20. The Retirement System Investment Commission shall invest and reinvest the ~~funds~~ assets of the retirement system as ‘retirement system’ ~~is defined in Section 9-16-10(8)~~, subject to all the terms, conditions, limitations, and restrictions imposed by Section 16, Article X of the South Carolina

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Constitution, 1895, subsection (B) of this section, and Chapter 16 of this title.”

SECTION 15. Section 9-1-1320 of the 1976 Code is amended to read:

“Section 9-1-1320. (A) The State Treasurer board shall be is the custodian of the funds assets of the Retirement System as ‘assets’ and ‘retirement system’ are defined in Section 9-16-10(1) and (8), and the Retirement System Investment Commission has the exclusive authority to select the custodial bank, provided, however, that the Public Employee Benefit Authority is a third-party beneficiary of the contract with the custodial bank with full rights to information under them. All payments from such funds shall be made by him only upon vouchers signed by two persons designated by the Board. The custodial banking agreement may provide for electronic signatory approval.

(B)(1) A custodial bank selected by the commission must:

(a) be a United States domiciled trust company and a member of the Federal Reserve;

(b) have in excess of one trillion dollars of assets under custody;

(c) have provided custody services for at least the previous fifteen years; and

(d) provide custody services to other public fund institutional clients that individually have assets under management that meet or exceed the amount of assets managed by the commission.

(2) Nothing in this subsection prohibits the commission from imposing more stringent or additional qualifications as part of its selection process.”

#### Part V

##### Miscellaneous and Time Effective

SECTION 16. Section 1-3-240(C)(1) of the 1976 Code, as last amended by Act 275 of 2016, is further amended by adding appropriately lettered subitems to read:

“( ) South Carolina Retirement Investment Commission members appointed by the Governor or members of the General Assembly;

( ) South Carolina Public Benefit Authority members.”

SECTION 17. Sections 9-4-45, 9-8-170, 9-9-160, 9-10-80, and 9-11-250 of the 1976 Code are repealed.

SECTION 18. This act takes effect on July 1, 2017. /

Amend title to read:

/ TO AMEND SECTION 9-1-1085, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE SOUTH CAROLINA RETIREMENT SYSTEM EMPLOYER AND EMPLOYEE

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CONTRIBUTION RATES, SO AS TO CHANGE FUTURE EMPLOYER AND EMPLOYEE CONTRIBUTION RATES AND TO REQUIRE THAT THE UNFUNDED LIABILITIES OF THE SYSTEM MUST BE ON A CERTAIN AMORTIZATION SCHEDULE; TO AMEND SECTION 9-11-225, RELATING TO THE POLICE OFFICERS RETIREMENT SYSTEM EMPLOYER AND EMPLOYEE CONTRIBUTION RATES, SO AS TO CHANGE FUTURE EMPLOYER AND EMPLOYEE CONTRIBUTION RATES AND TO REQUIRE THAT THE UNFUNDED LIABILITIES OF THE SYSTEM MUST BE ON A CERTAIN AMORTIZATION SCHEDULE; TO AMEND SECTION 9-16-335, RELATING TO THE ASSUMED RATE OF RETURN, SO AS TO CHANGE THE ASSUMED RATE OF RETURN TO SEVEN AND ONE QUARTER PERCENT AND TO PROVIDE THAT THE ASSUMED RATE OF RETURN EXPIRES EVERY FOUR YEARS; TO AMEND SECTION 9-4-10, RELATING TO THE TERM OF MEMBERS OF THE BOARD OF DIRECTORS OF THE SOUTH CAROLINA PUBLIC EMPLOYEE BENEFIT AUTHORITY (PEBA), SO AS TO CHANGE THE TERM FROM TWO TO FOUR YEARS AND TO REQUIRE THE BOARD TO EMPLOY AN EXECUTIVE DIRECTOR; TO AMEND SECTION 9-4-40, RELATING TO THE AUDIT OF PEBA, SO AS TO REQUIRE PEBA TO BE AUDITED EVERY FOUR YEARS; TO AMEND SECTION 9-1-240, RELATING TO THE APPOINTMENT AND DUTIES OF THE ACTUARY, SO AS TO PROVIDE THAT THE STATE FISCAL ACCOUNTABILITY AUTHORITY SHALL APPROVE THE ACTUARY AND TO PROVIDE THAT THE RETIREMENT SYSTEM INVESTMENT COMMISSION IS A THIRD-PARTY BENEFICIARY OF THE CONTRACT WITH THE ACTUARY; TO AMEND SECTION 9-16-10, AS AMENDED, RELATING TO RETIREMENT SYSTEM FUNDS "FIDUCIARY" DEFINITION, SO AS TO ADD THE COMMISSION'S "CHIEF EXECUTIVE OFFICER" TO THE DEFINITION; TO AMEND SECTION 9-16-30, RELATING TO THE DELEGATION OF FUNCTIONS BY THE COMMISSION, AS AMENDED, SO AS TO PROVIDE THAT THE COMMISSION SHALL CAST CERTAIN SHAREHOLDER PROXY VOTES; TO AMEND SECTION 9-16-90, AS AMENDED, RELATING TO CERTAIN INVESTMENT REPORTS, SO AS TO PROVIDE THAT CERTAIN REPORTS MUST CONTAIN A SCHEDULE OF NET MANAGER FEES AND EXPENSES; TO AMEND SECTION 9-16-315, AS AMENDED, RELATING TO THE RETIREMENT

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SYSTEM INVESTMENT COMMISSION, SO AS TO CHANGE CERTAIN MEMBERS OF THE COMMISSION, TO ADD QUALIFICATIONS, AND TO REQUIRE THE COMMISSION TO EMPLOY A CHIEF EXECUTIVE OFFICER; TO AMEND SECTION 9-16-330, AS AMENDED, RELATING TO CERTAIN STATEMENTS OF ACTUARIAL ASSUMPTIONS AND INVESTMENT OBJECTIVES, SO AS TO ALLOW FOR CERTAIN DELEGATIONS TO THE CHIEF INVESTMENT OFFICER, AND TO REQUIRE THE INVESTMENT PLAN TO INCLUDE THE FINAL AUTHORITY TO INVEST MADE BY THE COMMISSION; TO AMEND SECTION 9-16-380, RELATING TO THE AUDIT OF THE RETIREMENT SYSTEM INVESTMENT COMMISSION, SO AS TO PROVIDE THAT THE RETIREMENT SYSTEM INVESTMENT COMMISSION BE AUDITED EVERY FOUR YEARS; BY ADDING SECTION 9-16-100 SO AS TO PLACE CERTAIN RESTRICTIONS ON LOBBYISTS AND TO PROHIBIT THE COMMISSION FROM MAKING CERTAIN INVESTMENTS; TO AMEND SECTION 9-1-1310, AS AMENDED, RELATING TO THE TRUSTEE OF THE RETIREMENT SYSTEM, SO AS TO CHANGE A TRUSTEE FROM THE STATE FISCAL ACCOUNTABILITY AUTHORITY TO THE RETIREMENT SYSTEM INVESTMENT COMMISSION; TO AMEND SECTION 9-1-1320, RELATING TO THE CUSTODY OF THE ASSETS OF THE RETIREMENT SYSTEM, SO AS TO CHANGE THE CUSTODIAN OF THE ASSETS FROM THE STATE TREASURER TO THE BOARD OF DIRECTORS OF PEBA; TO AMEND SECTION 1-3-240, AS AMENDED, RELATING TO THE REMOVAL OF OFFICERS BY THE GOVERNOR, SO AS TO ADD THE SOUTH CAROLINA RETIREMENT INVESTMENT COMMISSION MEMBERS AND THE SOUTH CAROLINA PUBLIC BENEFIT AUTHORITY MEMBERS; AND TO REPEAL SECTIONS 9-4-45, 9-8-170, 9-9-160, 9-10-80, AND 9-11-250 RELATING TO POLICY DETERMINATIONS AND THE CUSTODY OF FUNDS FOR THE RETIREMENT SYSTEM FOR JUDGES AND SOLICITORS, THE RETIREMENT SYSTEM FOR MEMBERS OF THE GENERAL ASSEMBLY, THE NATIONAL GUARD RETIREMENT SYSTEM, AND THE POLICE OFFICERS RETIREMENT SYSTEM. /

/s/Senator Vincent A. Sheheen  
/s/Senator Sean Bennett

/s/Rep. William "Bill" Herbkersman  
Rep. Tommy M. Stringer

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/s/Senator Mike Gambrell  
On Part of the Senate.

/s/Rep. Gilda Cobb-Hunter  
On Part of the House.

Rep. HERBKERSMAN explained the Conference Report.

The yeas and nays were taken resulting as follows:

Yeas 105; Nays 1

Those who voted in the affirmative are:

Alexander	Allison	Anthony
Arrington	Atkinson	Atwater
Bales	Ballentine	Bamberg
Bannister	Bedingfield	Bennett
Bernstein	Blackwell	Bowers
Bradley	Brown	Caskey
Clary	Clemmons	Clyburn
Cobb-Hunter	Cogswell	Cole
Crawford	Crosby	Daning
Davis	Delleney	Dillard
Douglas	Duckworth	Elliott
Erickson	Felder	Finlay
Forrest	Forrester	Fry
Funderburk	Gagnon	Govan
Hamilton	Hardee	Hayes
Henderson	Henegan	Herbkersman
Hewitt	Hosey	Howard
Huggins	Jefferson	Johnson
Jordan	King	Kirby
Knight	Loftis	Long
Lowe	Lucas	Mack
Magnuson	Martin	McCoy
McCravy	McEachern	McKnight
Mitchell	D. C. Moss	V. S. Moss
Murphy	B. Newton	W. Newton
Norrell	Ott	Parks
Pitts	Pope	Putnam
Ridgeway	S. Rivers	Robinson-Simpson
Sandifer	Simrill	G. M. Smith
G. R. Smith	J. E. Smith	Sottile
Spires	Stavrinakis	Tallon
Taylor	Thayer	Thigpen

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Toole	West	Wheeler
Whipper	White	Whitmire
Williams	Willis	Yow

**Total--105**

Those who voted in the negative are:  
Hill

**Total--1**

The Conference Report was adopted and a message was ordered sent to the Senate accordingly.

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. MCCOY a leave of absence for the remainder of the day.

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. STAVRINAKIS a leave of absence for the remainder of the day.

**S. 354--RECALLED FROM COMMITTEE ON JUDICIARY**

On motion of Rep. G. M. SMITH, with unanimous consent, the following Bill was ordered recalled from the Committee on Judiciary:

S. 354 -- Senators Alexander and Verdin: A BILL TO AMEND SECTION 44-7-130 OF THE 1976 CODE, RELATING TO DEFINITIONS FOR THE STATE CERTIFICATION OF NEED AND HEALTH FACILITIES LICENSURE ACT, TO DEFINE CRISIS STABILIZATION UNIT FACILITY; TO AMEND SECTION 44-7-170(A), RELATING TO THE APPLICABILITY OF THE CERTIFICATE OF NEED PROCESS TO CERTAIN PROJECTS, TO MAKE THE CERTIFICATE OF NEED PROCESS INAPPLICABLE TO CRISIS STABILIZATION UNIT FACILITIES; AND TO AMEND SECTION 44-7-260(A), RELATING TO REQUIREMENTS FOR LICENSURE FOR HEALTH FACILITIES, TO REQUIRE CRISIS STABILIZATION UNIT FACILITIES OBTAIN A LICENSE FROM THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL.

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**H. 3346--SENATE AMENDMENTS AMENDED AND  
RETURNED TO THE SENATE**

The Senate Amendments to the following Bill were taken up for consideration:

H. 3346 -- Reps. Collins, Clary and Hiott: TO AMEND ACT 260 OF 1981, AS AMENDED, RELATING TO THE PICKENS COUNTY SCHOOL BOARD OF TRUSTEES, SO AS TO INCREASE THE NUMBER OF BOARD MEMBERS FROM SIX TO SEVEN AND TO PROVIDE FOR SEVEN SINGLE MEMBER DISTRICTS BEGINNING WITH THE 2018 GENERAL ELECTION; AND TO PROVIDE FOR A PROCEDURE FOR CLOSING A SCHOOL WITHIN THE DISTRICT.

Reps. COLLINS, CLARY and HIOTT proposed the following Amendment No. 1A to H. 3346 (COUNCIL\ZW\3346C001.GGS.ZW17), which was adopted:

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

/ SECTION 1. Act 260 of 1981, as last amended by Act 90 of 2011, is further amended to read:

“Section 1. Notwithstanding another provision of law, the Public Educational System of Pickens County is directed and managed by the Board of Trustees of the School District of Pickens County. ~~The Beginning with the 2018 general election, the board must be comprised of six seven members, all each of whom must be a qualified electors elector from each of and each must reside in the single-member district he represents. districts for which members of the county governing body of Pickens County are elected The lines defining the single-member districts are as shown on an official map on file with the Revenue and Fiscal Affairs Office designated as document S-77-00-17 and on file with the Pickens County GIS Mapping Department. A current at large member holding Seat 7, 8, or 9 shall continue to serve until his term is ended or he vacates the at large seat for whatever reason, whichever occurs first. Upon the end of the term or the earlier vacation of the at large seat, that at large seat no longer exists. This map must be used for the 2018 general election and to fill any vacancies that occur following the 2018 general election. Beginning with the 2022 general election, the seven single-member districts must conform to the latest United States Decennial Census and be approved by statewide legislation amending this section in order to become effective. Only~~

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those electors residing in the particular district are eligible to vote for ~~each of the six single member trustees representing~~ trustee who will represent the district. ~~The~~ On the effective date of these provisions, the current trustees from the single member districts shall continue to serve until their four-year terms expire and until their successors are elected and qualify. In the 2018 general election, trustees will be elected for single-member Districts 2, 4, 6, and 7. Each trustee residing in single-member Districts 1, 3, and 5 shall continue to serve as the trustee for the single-member district in which he resides until his term ends in 2020 and his successor is elected and qualifies or until his office is vacated, whichever occurs first.

The electors of the Dellwood Subdivision of the City of Clemson, Anderson County, as shown in Plat Book 1920, page 150-A, Plat Book 12, page 266, and Plat Book 14, page 31, filed in the office of the Clerk of Court of Pickens County, shall be eligible to vote in the election of the member of the board of trustees for the nearest contiguous single-member school district and shall be eligible to serve on the board for that district.

All members of the board of trustees must be elected in a nonpartisan election at the time of the general election in the year in which their terms expire.

Upon the termination of the term of each single-member district trustee, his successor must be a qualified elector of the same district and must be elected in a nonpartisan election to be held at the same time as the general election preceding the expiration date by the qualified electors of the district for a term of four years and until his successor is elected and qualifies. If a single-member district seat is vacated before the end of ~~its~~ the term, the seat must be filled for the remainder of the term by ~~way of~~ special election conducted in the same manner. The board of trustees shall elect a chairman and such other officers as it considers necessary.

~~Section 2. If any of the five current trustees who reside in any particular area of the county but are elected at large shall offer for any of the seats created pursuant to Section 1 of this act, their seat shall be abolished. At the expiration of the term of one of the present at large seats, such seat shall be abolished. Any action by the Board of Trustees to close a school in the School District requires consideration at three separate board meetings held on three separate days with a minimum of six days between each meeting. During at least one of the three meetings, the Board of Trustees must allow public testimony, and at least~~

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one of the three meetings must be held at the school to be closed or in a location within one mile of the school to be closed.

SECTION 2. This act shall take effect upon approval by the Governor and must be applicable: (1) for the 2018 general election of Board of Trustees members; and (2) to school closure actions taken after the effective date of this act. /

Renumber sections to conform.

Amend title to conform.

Rep. CLARY explained the amendment.

The amendment was then adopted.

The Senate Amendments were amended, and the Bill was ordered returned to the Senate.

#### **H. 3793--SENATE AMENDMENTS CONCURRED IN AND BILL ENROLLED**

The Senate Amendments to the following Bill were taken up for consideration:

H. 3793 -- Reps. Crawford, Clemmons, Jordan, Johnson, Fry, Hardee, Bennett, Anderson, Alexander, Atkinson, Kirby, Crosby, Arrington, Sottile, McCoy, Daning, Duckworth, Hayes, Lowe, S. Rivers, Stavrinakis, Knight, Ryhal, Hewitt, Davis, Yow and Whipper: A BILL TO AMEND SECTION 59-103-15, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE MISSION AND GOALS OF INSTITUTIONS OF HIGHER LEARNING, SO AS TO AUTHORIZE CERTAIN DOCTORAL DEGREE PROGRAMS SO LONG AS STATE GENERAL FUNDS ARE NOT APPROPRIATED FOR THE OPERATIONS OF THE DEGREE PROGRAM.

Rep. TAYLOR explained the Senate Amendments.

The yeas and nays were taken resulting as follows:

Yeas 101; Nays 0

Those who voted in the affirmative are:

Alexander	Allison	Anthony
Arrington	Atwater	Bales
Ballentine	Bamberg	Bannister
Bedingfield	Bernstein	Blackwell

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Bowers	Bradley	Brown
Caskey	Clary	Clemmons
Clyburn	Cogswell	Cole
Collins	Crawford	Crosby
Daning	Davis	Delleney
Dillard	Douglas	Duckworth
Elliott	Erickson	Felder
Finlay	Forrest	Forrester
Fry	Funderburk	Gagnon
Gilliard	Govan	Hamilton
Hardee	Hayes	Henderson
Henegan	Herbkersman	Hewitt
Hill	Hosey	Howard
Huggins	Jefferson	Johnson
Jordan	King	Kirby
Knight	Long	Lowe
Lucas	Mack	Magnuson
Martin	McCrary	McEachern
McKnight	D. C. Moss	V. S. Moss
Murphy	B. Newton	W. Newton
Norrell	Ott	Parks
Pitts	Pope	Putnam
M. Rivers	S. Rivers	Robinson-Simpson
Ryhal	Sandifer	Simrill
G. M. Smith	J. E. Smith	Sottile
Spires	Tallon	Taylor
Thayer	Thigpen	Toole
West	Wheeler	Whipper
White	Whitmire	Williams
Willis	Yow	

**Total--101**

Those who voted in the negative are:

**Total--0**

The Senate Amendments were agreed to, and the Bill having received three readings in both Houses, it was ordered that the title be changed to that of an Act, and that it be enrolled for ratification.

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**LEAVE OF ABSENCE**

The SPEAKER granted Rep. G. M. SMITH a leave of absence for the remainder of the day.

**SENT TO THE SENATE**

The following Bills were taken up, read the third time, and ordered sent to the Senate:

H. 3968 -- Reps. Sandifer and Forrester: A BILL TO AMEND SECTION 40-1-140, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO EFFECTS OF PRIOR CRIMINAL CONVICTIONS ON PERSONS SEEKING AUTHORIZATION TO PRACTICE, PURSUE, OR ENGAGE IN REGULATED PROFESSIONS OR OCCUPATIONS, SO AS TO DELETE PROVISIONS PROHIBITING DENIALS OF SUCH AUTHORIZATIONS SOLELY FOR CERTAIN PRIOR CRIMINAL CONVICTIONS, TO ALLOW THE DENIAL OF AN AUTHORIZATION TO PRACTICE WHICH WOULD POSE CERTAIN THREATS TO THE PUBLIC, TO REQUIRE CERTAIN MINIMUM CRIMINAL RECORD BACKGROUND CHECKS OF PERSONS SEEKING AUTHORIZATION TO PRACTICE, TO PROVIDE SUCH REQUIREMENTS ARE INTENDED TO OPERATE IN THE ABSENCE OF SUCH REQUIREMENTS BUT DO NOT LIMIT OR OTHERWISE RESTRICT THE ABILITY OF BOARDS, COMMISSIONS, AND PANELS FROM IMPOSING MORE RESTRICTIVE AND ADDITIONAL REQUIREMENTS, AND TO SPECIFY THE BOARDS, COMMISSIONS, AND PANELS TO WHICH THESE BACKGROUND CHECK REQUIREMENTS APPLY; TO AMEND SECTION 40-1-110, RELATING TO SPECIFIC GROUNDS FOR DISCIPLINARY ACTION AGAINST PERSONS AUTHORIZED TO PRACTICE, PURSUE, OR ENGAGE IN REGULATED PROFESSIONS AND AUTHORIZATIONS, SO AS TO INCLUDE CERTAIN PRIOR CRIMINAL CONVICTIONS OR PLEAS TO CRIMINAL CONDUCT; AND TO PROVIDE THAT THE PROVISIONS OF THIS ACT TAKE EFFECT TWO YEARS AFTER APPROVAL BY THE GOVERNOR.

H. 3809 -- Reps. Finlay, Bernstein, Collins, Spires, J. E. Smith, Ridgeway, Clary, Dillard, Gilliard, Huggins and Knight: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 38-71-120 SO AS TO ESTABLISH THAT AN

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INDIVIDUAL OR GROUP HEALTH INSURANCE POLICY PROVIDING COVERAGE FOR CONTRACEPTIVE DRUGS MUST PROVIDE REIMBURSEMENT FOR A TWELVE-MONTH REFILL OF CONTRACEPTIVE DRUGS OBTAINED AT ONE TIME; AND BY ADDING SECTION 44-6-120 SO AS TO AUTHORIZE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO MAKE ARRANGEMENTS FOR ALL MEDICAID PROGRAMS OFFERED THROUGH MANAGED CARE PLANS OR FEE-FOR-SERVICE PROGRAMS TO REQUIRE THE DISPENSING OF CONTRACEPTIVE DRUGS WITH A TWELVE-MONTH SUPPLY PROVIDED AT ONE TIME.

H. 3559 -- Reps. Pitts, Ott, Putnam, Gagnon, Atkinson, Dillard, Martin, West, Hill, Bedingfield, Gilliard, Kirby, Davis, King, Whipper and Govan: A BILL TO AMEND CHAPTER 55, TITLE 46, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CULTIVATION OF INDUSTRIAL HEMP, SO AS TO REVISE THE DEFINITIONS OF TERMS CONTAINED IN THIS CHAPTER, TO PROVIDE A DEFINITION FOR THE TERM "HUMAN CONSUMPTION", TO CREATE THE SOUTH CAROLINA INDUSTRIAL HEMP PROGRAM, TO PROVIDE THAT INDUSTRIAL HEMP IS AN AGRICULTURAL CROP UPON WHICH AN INSTITUTION OF HIGHER EDUCATION MAY CONDUCT RESEARCH, TO PROVIDE THAT INDUSTRIAL HEMP OR HEMP PRODUCTS MAY NOT BE CONSIDERED AN ADULTERANT, TO PROVIDE PROVISIONS THAT REGULATE THE GROWING, SELLING, AND IMPORTATION OF INDUSTRIAL HEMP AND HEMP SEED, TO DELETE THE PROVISION THAT EXCLUDES INDUSTRIAL HEMP FROM THE DEFINITION OF MARIJUANA, TO REVISE THE PROVISION THAT SPECIFIES THAT CERTAIN CONDUCT REGARDING THE MANUFACTURING, DISTRIBUTION, PURCHASE, AND OTHER ACTIVITIES RELATING TO DISGUIISING MARIJUANA TO MAKE IT APPEAR TO BE INDUSTRIAL HEMP, AND TO PROVIDE FOR LABORATORY TESTING OF INDUSTRIAL HEMP.

H. 3865 -- Reps. Bernstein, Delleney, Ridgeway, King, Whipper, J. E. Smith and Knight: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE "SOUTH CAROLINA PREGNANCY ACCOMMODATIONS ACT"; TO AMEND SECTION 1-13-30, RELATING TO DEFINITIONS UNDER

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THE SOUTH CAROLINA HUMAN AFFAIRS LAWS, SO AS TO REVISE THE TERMS "BECAUSE OF SEX" OR "ON THE BASIS OF SEX" USED IN THE CONTEXT OF EQUAL TREATMENT FOR WOMEN AFFECTED BY PREGNANCY, CHILDBIRTH, OR RELATED MEDICAL CONDITIONS; TO AMEND SECTION 1-13-80, AS AMENDED, RELATING TO UNLAWFUL EMPLOYMENT PRACTICES OF AN EMPLOYER, SO AS TO ADD CERTAIN OTHER UNLAWFUL EMPLOYMENT PRACTICES IN REGARD TO FAILURE TO PROVIDE REASONABLE ACCOMMODATIONS FOR AN APPLICANT FOR EMPLOYMENT OR EMPLOYEE WITH LIMITATIONS BECAUSE OF PREGNANCY, CHILDBIRTH, OR RELATED MEDICAL CONDITIONS, AND TO PROVIDE FOR NOTICE AND APPLICABILITY TO EMPLOYEES TO WHOM THE ABOVE PROVISIONS APPLY; AND TO PROVIDE NO LATER THAN TWO YEARS AFTER THE EFFECTIVE DATE OF THIS ACT, THE SOUTH CAROLINA HUMAN AFFAIRS COMMISSION SHALL PROMULGATE REGULATIONS, WHICH SHALL IDENTIFY SOME REASONABLE ACCOMMODATIONS ADDRESSING KNOWN LIMITATIONS RELATED TO PREGNANCY, CHILDBIRTH, OR RELATED MEDICAL CONDITIONS THAT MUST BE PROVIDED TO A JOB APPLICANT OR EMPLOYEE, UNLESS THE EMPLOYER CAN DEMONSTRATE THAT DOING SO WOULD IMPOSE AN UNDUE HARDSHIP.

H. 3864 -- Reps. Bernstein, Collins, Erickson, King and Elliott: A BILL TO AMEND SECTIONS 56-5-6410 AND 56-5-6420, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE REQUIREMENT THAT CERTAIN CHILDREN MUST BE SECURED IN A CHILD PASSENGER RESTRAINT SYSTEM WHILE TRAVELING IN A MOTOR VEHICLE, AND THE TRANSPORTATION OF CHILDREN IN A VEHICLE WITH AN INSUFFICIENT NUMBER OF CHILD RESTRAINT DEVICES, SO AS TO REVISE THE AGE, WEIGHT, AND POSITION OF A CHILD WHO MUST BE SECURED IN A CHILD PASSENGER RESTRAINT SYSTEM.



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**H. 3401--DEBATE ADJOURNED**

The following Concurrent Resolution was taken up:

H. 3401 -- Rep. Clemmons: A CONCURRENT RESOLUTION TO MEMORIALIZE THE UNITED STATES CONGRESS AND URGE THEM TO PROPOSE THE REGULATION FREEDOM AMENDMENT TO THE UNITED STATES CONSTITUTION.

Rep. CLEMMONS moved to adjourn debate on the Concurrent Resolution until Thursday, April 6, which was agreed to.

**MOTION PERIOD**

The motion period was dispensed with on motion of Rep. DELLENEY.

**SPEAKER *PRO TEMPORE* IN CHAIR**

**H. 3240--DEBATE ADJOURNED**

The following Bill was taken up:

H. 3240 -- Reps. Clemmons, Lucas, Pope, Bannister, Rutherford, Delleney, White, Sandifer, Hiott, Allison, G. R. Smith, Bedingfield, W. Newton, Taylor, Yow, Murphy, Thayer, Finlay, D. C. Moss, Hayes, Crawford, Ryhal, Duckworth, Johnson, Fry, Hewitt, S. Rivers, Huggins, Chumley, Gagnon, Burns, Hill, Stringer, Loftis, Atwater, Clyburn, Elliott, Long, Magnuson, B. Newton, G. M. Smith, West, Whitmire, Hixon, Daning, Hamilton, Hardee, Crosby, Martin, V. S. Moss, Blackwell, Henderson, Herbkersman, Willis and Forrest: A BILL TO AMEND SECTION 23-31-215, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ISSUANCE OF CONCEALED WEAPONS PERMITS, SO AS TO ENACT THE "NATIONAL CONCEALED WEAPONS PERMIT RECIPROCITY ACT" BY REVISING THE CONDITIONS THAT ALLOW A HOLDER OF AN OUT-OF-STATE WEAPONS PERMIT TO CARRY A WEAPON IN THIS STATE.

Rep. CLEMMONS moved to adjourn debate on the Bill until Thursday, April 6, which was agreed to.

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**H. 3565--DEBATE ADJOURNED**

The following Bill was taken up:

H. 3565 -- Reps. Fry, Crawford, Elliott, Burns, Clemmons, Allison, Jordan, Yow, Johnson, Atwater, Duckworth, Ryhal, Loftis, Hewitt, V. S. Moss, D. C. Moss, Daning, Hardee, Felder, Erickson, Bales, Hamilton, Huggins, Putnam, Anthony, Bedingfield, West, Atkinson, Bennett, B. Newton, Lucas, Arrington, Ballentine, Chumley, Crosby, Davis, Delleney, Forrester, Gagnon, Hixon, Long, Lowe, Murphy, Pitts, Pope, S. Rivers, Sandifer, Simrill, Stringer, Taylor, Thayer, White, Bannister, Tallon, McCravy, Quinn and McEachern: A BILL TO AMEND SECTION 1-23-600, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TIMELY REQUESTS FOR CONTESTED CASE HEARINGS UNDER THE ADMINISTRATIVE PROCEDURES ACT AND RELATED PROVISIONS, SO AS TO ESTABLISH AN AUTOMATIC STAY CONCERNING LICENSE ISSUANCES, RENEWALS AND THE LIKE, AND TO PROVIDE FOR THE CIRCUMSTANCES UNDER WHICH THE AUTOMATIC STAY MAY BE LIFTED.

Rep. FRY moved to adjourn debate on the Bill until Thursday, April 6, which was agreed to.

**H. 3930--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3930 -- Reps. Pitts, Delleney, Clemmons, McCravy, Bennett, Forrest, Crawford, Lowe, Jordan, Duckworth, White, Henderson, Loftis, Burns, Chumley, Long, G. R. Smith, Bedingfield, Stringer, Bannister, Fry, Elliott, Hixon, Thayer, Collins, Yow, West, S. Rivers, V. S. Moss, Pope, Simrill, Martin, Sandifer, Gagnon, Taylor, Whitmire, Hamilton, Forrester, Huggins, D. C. Moss, Hiott, G. M. Smith, Spires, Putnam, Toole, Bradley, W. Newton, Erickson, Arrington, Lucas, Atwater, Magnuson and Murphy: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 16-23-510 SO AS TO PROHIBIT A PERSON FROM CARRYING A HANDGUN INTO CERTAIN PLACES WITHOUT PERMISSION OF THE OWNER OR A PERSON IN CONTROL OF THE PREMISES; TO AMEND SECTION 16-23-20, RELATING TO THE UNLAWFUL CARRYING OF A HANDGUN, SO AS TO REVISE THE PROVISIONS THAT PROVIDE WHEN A PERSON MAY

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LAWFULLY CARRY A HANDGUN; TO AMEND SECTION 16-23-420, RELATING TO THE POSSESSION OF A FIREARM ON SCHOOL PROPERTY, SO AS TO REVISE THE PROVISIONS REGARDING THE LAWFUL POSSESSION OF A FIREARM ON SCHOOL PROPERTY; TO AMEND SECTION 16-23-430, RELATING TO THE CARRYING OF A WEAPON ON SCHOOL PROPERTY, SO AS TO REVISE THE CIRCUMSTANCES WHEN IT IS LAWFUL TO CARRY A WEAPON ON SCHOOL PROPERTY; TO AMEND SECTION 16-23-460, RELATING TO CARRYING A DEADLY CONCEALED WEAPON, SO AS TO REQUIRE AN ELEMENT OF INTENT; TO AMEND SECTION 16-23-465, RELATING TO PENALTIES FOR UNLAWFULLY CARRYING A WEAPON ONTO PREMISES THAT SELL ALCOHOLIC BEVERAGES, SO AS TO REVISE THE ELEMENTS OF THE OFFENSE; TO AMEND SECTION 23-31-215, AS AMENDED, RELATING TO THE ISSUANCE OF CONCEALABLE WEAPON PERMITS, SO AS TO REVISE THE PROVISIONS RELATING TO THE ISSUANCE OF PERMITS; TO AMEND SECTION 23-31-220, RELATING TO THE RIGHTS OF A PROPERTY OWNER TO ALLOW OR PERMIT A PERSON CARRYING A CONCEALED WEAPON ON HIS PROPERTY, SO AS TO MAKE A CONFORMING CHANGE; TO AMEND SECTION 23-31-225, RELATING TO A PERSON CARRYING A CONCEALABLE WEAPON INTO THE RESIDENCE OR DWELLING PLACE OF ANOTHER PERSON, SO AS TO PROVIDE ADDITIONAL CIRCUMSTANCES WHEN CERTAIN PERSONS WHO CARRY A CONCEALABLE WEAPON MUST LEAVE OR REMOVE THE WEAPON FROM THE PREMISES AND TO MAKE A CONFORMING CHANGE; AND TO PROVIDE THAT THIS ACT APPLIES ONLY TO INDIVIDUALS WHO LEGALLY MAY PURCHASE A FIREARM FROM A PROPERLY LICENSED AND CERTIFIED FIREARMS DEALER.

Rep. J. E. SMITH moved to recommit the Bill to the Committee on Judiciary.

Rep. DELLENEY moved to table the motion.

Rep. SIMRILL demanded the yeas and nays which were taken, resulting as follows:

Yeas 72; Nays 37

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Those who voted in the affirmative are:

Allison	Anthony	Arrington
Atkinson	Atwater	Bales
Ballentine	Bannister	Bedingfield
Bennett	Blackwell	Bradley
Caskey	Clemmons	Cole
Collins	Crawford	Daning
Davis	Delleney	Duckworth
Elliott	Erickson	Felder
Finlay	Forrest	Forrester
Fry	Gagnon	Hamilton
Hardee	Hayes	Henderson
Herbkersman	Hewitt	Hill
Hiott	Huggins	Johnson
Jordan	Knight	Loftis
Long	Lowe	Lucas
Magnuson	Martin	McCrary
D. C. Moss	V. S. Moss	Murphy
B. Newton	W. Newton	Ott
Pitts	Pope	Putnam
S. Rivers	Sandifer	Simrill
G. R. Smith	Sottile	Spires
Tallon	Taylor	Thayer
Toole	West	White
Whitmire	Willis	Yow

**Total--72**

Those who voted in the negative are:

Alexander	Anderson	Bamberg
Bernstein	Bowers	Brown
Clary	Clyburn	Cobb-Hunter
Cogswell	Crosby	Dillard
Douglas	Funderburk	Gilliard
Govan	Henegan	Hosey
Howard	Jefferson	King
Kirby	Mack	McEachern
McKnight	Mitchell	Norrell
Parks	Ridgeway	M. Rivers
Robinson-Simpson	Ryhal	J. E. Smith

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Thigpen  
Williams

Wheeler

Whipper

**Total--37**

So, the motion to recommit the Bill was tabled.

The Committee on Judiciary proposed the following Amendment No. 1 to H. 3930 (COUNCIL\DG\3930C002.BBM.DG17), which was adopted:

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

/ SECTION 1. Article 5, Chapter 23, Title 16 of the 1976 Code is amended by adding:

“Section 16-23-510. (A) Except as provided in subsection (D), a person, whether the person has a concealed weapons permit or not, may not carry a handgun, whether concealed or not, into any of the following places without the permission of the owner or a person in control of the premises:

(1) a police, sheriff, or highway patrol station or any other law enforcement office or facility;

(2) a detention facility, prison, or jail or any other correctional facility or office;

(3) a courthouse or courtroom;

(4) a polling place on election day;

(5) an office or the business meeting of the governing body of a county, public school district, municipality, or special purpose district;

(6) a school or college athletic event not related to firearms;

(7) a place where the carrying of firearms is prohibited by federal law;

(8) a daycare facility or a preschool facility;

(9) church or other established religious sanctuary unless express permission is given by the appropriate church official or governing body;

(10) hospital, medical clinic, doctor’s office, or any other facility where medical services or procedures are performed; or

(11) a place clearly marked with a sign prohibiting the carrying of a concealable weapon on the premises pursuant to Sections 23-31-220 and 23-31-235, except that a property owner or an agent acting on his behalf, by express written consent, may allow individuals of his

choosing to enter onto property regardless of any posted sign to the contrary.

(B) A person who wilfully violates subsection (A) is guilty of a misdemeanor and, upon conviction, must be fined not less than one thousand dollars or imprisoned not more than one year, or both, at the discretion of the court, and shall have any permit issued to him pursuant to Article 4, Chapter 31, Title 23 revoked for five years.

(C) When carrying a handgun, whether concealed or not, a person must inform a law enforcement officer of the fact he is carrying a handgun when an officer:

- (1) initiates an investigatory stop of the person including, but not limited to, a traffic stop;
- (2) identifies himself as a law enforcement officer; and
- (3) requests identification or a driver's license from the person.

(D) The provisions of subsection (A) do not apply to peace officers in the actual discharge of their duties."

SECTION 2. Section 16-23-20 of the 1976 Code is amended to read:

"Section 16-23-20. (A) It is unlawful for anyone to carry about the person any handgun, whether concealed or not, ~~except as follows, unless otherwise specifically prohibited by law: with the intent to use the handgun unlawfully against another person. The intent to use a handgun unlawfully against another person must not be inferred from the mere possession, carrying, use, or concealment of the handgun, whether it is loaded or unloaded.~~

(B) A person may not carry a handgun off of any real property the person occupies as a resident, owner, or lessee if the person is under twenty-one years of age, with the following exceptions:

(1) regular, salaried law enforcement officers, and reserve police officers of a state agency, municipality, or county of the State, uncompensated Governor's constables, law enforcement officers of the federal government or other states when they are carrying out official duties while in this State, deputy enforcement officers of the Natural Resources Enforcement Division of the Department of Natural Resources, and retired commissioned law enforcement officers employed as private detectives or private investigators;

(2) members of the Armed Forces of the United States, the National Guard, organized reserves, or the State Militia when on duty;

(3) members, or their invited guests, of organizations authorized by law to purchase or receive firearms from the United States or this State or regularly enrolled members, or their invited guests, of clubs organized for the purpose of target shooting or collecting modern

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and antique firearms while these members, or their invited guests, are at or going to or from their places of target practice or their shows and exhibits;

(4) licensed hunters or fishermen who are engaged in hunting or fishing or going to or from their places of hunting or fishing while in a vehicle or on foot;

(5) a person regularly engaged in the business of manufacturing, repairing, repossessing, or dealing in firearms, or the agent or representative of this person, while possessing, using, or carrying a handgun in the usual or ordinary course of the business;

(6) guards authorized by law to possess handguns and engaged in protection of property of the United States or any agency of the United States;

(7) members of authorized military or civil organizations while parading or when going to and from the places of meeting of their respective organizations;

(8) a person ~~in his home or upon his real property or a person who has the permission of the owner or the person in legal possession or the person in legal control of the~~ a home or real property;

(9) a person in a vehicle if the handgun is:

(a) secured in a closed glove compartment, closed console, closed trunk, or in a closed container secured by an integral fastener and transported in the luggage compartment of the vehicle; however, this item is not violated if the glove compartment, console, or trunk is opened in the presence of a law enforcement officer for the sole purpose of retrieving a driver's license, registration, or proof of insurance. ~~If the person has been issued a concealed weapon permit pursuant to Article 4, Chapter 31, Title 23, then~~ The person also may secure his weapon under a seat in a vehicle, or in any open or closed storage compartment within the vehicle's passenger compartment; or

(b) concealed on or about his person ~~and he has a valid concealed weapons permit pursuant to the provisions of Article 4, Chapter 31, Title 23;~~

(10) a person carrying a handgun unloaded and in a secure wrapper ~~from the place of purchase to his home or fixed place of business or while in the process of changing or moving one's residence or changing or moving one's fixed place of business;~~

(11) a prison guard while engaged in his official duties;

(12) a person ~~who is granted a permit under provision of law by the State Law Enforcement Division to carry a handgun about his person, under conditions set forth in the permit, and while transferring the~~

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handgun between a place of concealment on or about the permittee's person and a location specified in item (9);

~~(13) the owner or the person in legal possession or the person in legal control of a fixed place of business, while at the fixed place of business, and the employee of a fixed place of business, other than a business subject to Section 16-23-465, while at the place of business; however, the employee may exercise this privilege only after: (a) acquiring a permit pursuant to item (12), and (b) obtaining a person who has obtained the permission of the owner or person in legal control or legal possession of the premises;~~

~~(14) a person engaged in firearms-related activities while on the premises of a fixed place of business which conducts, as a regular course of its business, activities related to sale, repair, pawn, firearms training, or use of firearms, unless the premises is posted with a sign limiting possession of firearms to holders of permits issued pursuant to item (12);~~

~~(15) a person while transferring a handgun directly from or to a vehicle and a location specified in this section where one may legally possess the handgun;~~

~~(16) any person on a motorcycle when the pistol is secured in a closed saddlebag or other similar closed accessory container attached, whether permanently or temporarily, to the motorcycle;~~

~~(17) a person who possesses or exposes the handgun while in justified defense of self, property, or another; or~~

~~(18) a person who is over twenty-one years old or who is carrying in accordance with item (9)(b) of this section and who inadvertently exposes to another person a handgun in a holster or other retention device that the person intended to keep concealed on or about his person.~~"

SECTION 3. Section 16-23-420 of the 1976 Code is amended to read:

"Section 16-23-420. (A) It is unlawful for a person to knowingly possess a firearm of any kind on any premises or property owned, operated, or controlled by a private or public school, college, university, technical college, other post-secondary institution, or in any publicly owned building, without the express permission of the authorities in charge of the premises or property. The provisions of this subsection related to any premises or property owned, operated, or controlled by a private or public school, college, university, technical college, or other post-secondary institution, do not apply to a person who is authorized to carry a concealed weapon pursuant to Article 4, Chapter 31, Title 23 when the ~~weapon~~ firearm remains concealed from common observation



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inside an attended or locked motor vehicle and is secured in a closed glove compartment, closed console, closed trunk, or in a closed container secured by an integral fastener and transported in the luggage compartment of the vehicle either possessed by a person with a valid permit issued pursuant to Article 4, Chapter 31, Title 23, or is not loaded and in a locked container or a locked firearms rack that is in or on the motor vehicle. The provisions of this section related to publicly owned buildings do not apply to any portion of the property leased to an individual or a business or to the occupants or invitees of such leased premises during reasonable ingress to or egress from the leased premises.

(B) It is unlawful for a person to ~~enter the~~ threaten other persons with a firearm on the premises or property described in subsection (A) and to display, brandish, or threaten others with a firearm.

(C) A person who violates the provisions of this section is guilty of a felony and, upon conviction, must be fined not more than five thousand dollars or imprisoned not more than five years, or both.

(D) This section does not apply to a guard, law enforcement officer, or member of the armed forces, or student of military science. A married student residing in an apartment provided by the private or public school whose presence with a weapon in or around a particular building is authorized by persons legally responsible for the security of the buildings is also exempted from the provisions of this section.

(E) For purposes of this section, the terms 'premises' and 'property' do not include state or locally owned or maintained roads, streets, or rights-of-way of them, running through or adjacent to premises or property owned, operated, or controlled by a private or public school, college, university, technical college, or other post-secondary institution, which are open full time to public vehicular traffic.

(F) This section does not apply to ~~a person who is authorized to carry concealed weapons pursuant to Article 4, Chapter 31 of Title 23 when upon~~ any premises, property, or building that is part of an interstate highway rest area facility.”

SECTION 4. Section 16-23-430 of the 1976 Code is amended to read:

“Section 16-23-430. (A) It ~~shall be~~ is unlawful for any person, except state, county, or municipal law enforcement officers or personnel authorized by school officials, to carry on his person, while on any elementary or secondary school property, a knife, with a blade over two inches long, a blackjack, a metal pipe or pole, firearms, or any other type

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of weapon, device, or object which may be used to inflict bodily injury or death.

(B) This section does not apply to a person who is authorized to carry a concealed weapon pursuant to Article 4, Chapter 31, Title 23 when the ~~weapon~~ firearm remains concealed from common observation inside an attended or locked motor vehicle and is secured in a closed glove compartment, closed console, closed trunk, or in a closed container secured by an integral fastener and transported in the luggage compartment of the vehicle or is either possessed by a person with a valid permit issued pursuant to Article 4, Chapter 31, Title 23, or is not loaded and in a locked container or a locked firearm rack that is in or on the motor vehicle.

(C) A person who violates the provisions of this section is guilty of a felony and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than five years, or both. Any weapon or object used in violation of this section may be confiscated by the law enforcement division making the arrest.”

SECTION 5. Section 16-23-460 of the 1976 Code is amended to read:

“Section 16-23-460. (A) A person carrying a deadly weapon usually used for the infliction of personal injury concealed about his person with the intent to use the weapon unlawfully against another person is guilty of a misdemeanor, must forfeit to the county, or, if convicted in a municipal court, to the municipality, the concealed weapon, and must be fined not less than two hundred dollars nor more than five hundred dollars or imprisoned not less than thirty days nor more than ninety days. The intent to use a weapon unlawfully against another person shall not be inferred by the mere possession, carrying, use, or concealment of the weapon, including the possession, carrying, use, or concealment of a loaded or unloaded firearm. In the case of handguns, violations shall be determined by the provisions contained in Section 16-23-20(A).

~~(B) The provisions of this section do not apply to:~~

~~(1) A person carrying a concealed weapon upon his own premises or pursuant to and in compliance with Article 4, Chapter 31 of Title 23; or~~

~~(2) peace officers in the actual discharge of their duties.~~

~~(C) The provisions of this section also do not apply to rifles, shotguns, dirks, slingshots, metal knuckles, knives, or razors unless they are used with the intent to commit a crime or in furtherance of a crime.”~~

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SECTION 6. Section 16-23-465(A) of the 1976 Code is amended to read:

“(A) In addition to the penalties provided for by Sections 16-11-330, 16-11-620, 16-23-460, 23-31-220, and Article 1, Chapter 23, Title 16, a person convicted of carrying a pistol or firearm into a business which sells alcoholic liquor, beer, or wine for consumption on the premises is guilty of a misdemeanor, and, upon conviction, must be fined not more than two thousand dollars or imprisoned not more than two years, or both, when the person:

(1) carries a firearm into any business which sells alcoholic liquor, beer, or wine for consumption on the premises and which at the time of the offense was clearly and conspicuously posted in accordance with Section 23-31-220;

(2) carries a firearm in any business which sells alcoholic liquor, beer, or wine for consumption on the premises and refuses to leave or to remove the firearm from the premises when asked to do so by a person legally in control of the premises; or

(3) consumes alcohol while carrying a firearm in any business which sells alcoholic liquor, beer, or wine for consumption on the premises.

In addition to the penalties described above, a person who violates this section while carrying a concealable weapon pursuant to Article 4, Chapter 31, Title 23, must have his concealed weapon permit revoked for a period of five years.”

SECTION 7. Section 23-31-215(A) and (K)-(Q) of the 1976 Code, as last amended by Act 123 of 2014 and Act 223 of 2016 is further amended to read:

“(A) Notwithstanding any other provision of law, except ~~subject to~~ subsection (B), SLED must issue a permit, which is no larger than three and one-half inches by three inches in size, to carry a concealable weapon to a resident or qualified nonresident who is at least twenty-one years of age and who is not prohibited by state law from possessing the weapon upon submission of:

(1) a completed application signed by the person;

(2) a photocopy of a driver’s license or photographic identification card;

(3) proof of residence or if the person is a qualified nonresident, proof of ownership of real property in this State;

(4) proof of actual or corrected vision rated at 20/40 within six months of the date of application or, in the case of a person licensed to

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operate a motor vehicle in this State, presentation of a valid driver's license;

(5) proof of training;

(6) payment of a fifty-dollar application fee. This fee must be waived for disabled veterans and retired law enforcement officers; and

(7) a complete set of fingerprints unless, because of a medical condition verified in writing by a licensed medical doctor, a complete set of fingerprints is impossible to submit. In lieu of the submission of fingerprints, the applicant must submit the written statement from a licensed medical doctor specifying the reason or reasons why the applicant's fingerprints may not be taken. If all other qualifications are met, the Chief of SLED may waive the fingerprint requirements of this item. The statement of medical limitation must be attached to the copy of the application retained by SLED. A law enforcement agency may charge a fee not to exceed five dollars for fingerprinting an applicant.

~~(K) A permit holder must have his permit identification card in his possession whenever he carries a concealable weapon. When carrying a concealable weapon pursuant to Article 4, Chapter 31, Title 23, a permit holder must inform a law enforcement officer of the fact that he is a permit holder and present the permit identification card when an officer:~~

~~(1) identifies himself as a law enforcement officer; and~~

~~(2) requests identification or a driver's license from a permit holder.~~

A permit holder immediately must report the loss or theft of a permit identification card to SLED headquarters. A person who violates the provisions of this subsection is guilty of a misdemeanor and, upon conviction, must be fined twenty-five dollars.

(L) SLED shall issue a replacement for lost, stolen, damaged, or destroyed permit identification cards after the permit holder has updated all information required in the original application and the payment of a five-dollar replacement fee. Any change of permanent address must be communicated in writing to SLED within ten days of the change accompanied by the payment of a fee of five dollars to defray the cost of issuance of a new permit. SLED shall then issue a new permit with the new address. A permit holder's failure to notify SLED in accordance with this subsection constitutes a misdemeanor punishable by a twenty-five dollar fine. The original permit shall remain in force until receipt of the corrected permit identification card by the permit holder, at which time the original permit must be returned to SLED.

~~(M) A permit issued pursuant to this section does not authorize a permit holder to carry a concealable weapon into a:~~

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- (1) law enforcement, correctional, or detention facility;
- (2) courthouse or courtroom;
- (3) polling place on election days;
- (4) office of or the business meeting of the governing body of a county, public school district, municipality, or special purpose district;
- (5) school or college athletic event not related to firearms;
- (6) daycare facility or preschool facility;
- (7) place where the carrying of firearms is prohibited by federal law;
- (8) church or other established religious sanctuary unless express permission is given by the appropriate church official or governing body;
- (9) hospital, medical clinic, doctor's office, or any other facility where medical services or procedures are performed unless expressly authorized by the employer; or
- (10) place clearly marked with a sign prohibiting the carrying of a concealable weapon on the premises pursuant to Sections 23-31-220 and 23-31-235. Except that a property owner or an agent acting on his behalf, by express written consent, may allow individuals of his choosing to enter onto property regardless of any posted sign to the contrary. A person who violates a provision of this item, whether the violation is wilful or not, only may be charged with a violation of Section 16-11-620 and must not be charged with or penalized for a violation of this subsection.

Except as provided for in item (10), a person who wilfully violates a provision of this subsection is guilty of a misdemeanor and, upon conviction, must be fined not less than one thousand dollars or imprisoned not more than one year, or both, at the discretion of the court and have his permit revoked for five years.

Nothing contained in this subsection may be construed to alter or affect the provisions of Sections 10-11-320, 16-23-420, 16-23-430, 16-23-465, 16-23-510, 44-23-1080, 44-52-165, 50-9-830, and 51-3-145, unless specifically provided for in this section.

(N)(4) Valid out-of-state permits to carry concealable weapons held by a resident of a reciprocal another state who is twenty-one years old or older must be honored by this State, provided, that the reciprocal state requires an applicant to successfully pass a criminal background check and a course in firearm training and safety. A resident of a reciprocal another state carrying a concealable weapon in South Carolina with a valid out-of-state permit to carry a concealable weapon is subject to and must abide by the laws of South Carolina regarding concealable

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~~weapons while in South Carolina. SLED shall maintain and publish a list of those states as the states with which South Carolina has reciprocity. The age twenty-one requirement does not apply to a member of the active or reserve military, or a member of the National Guard.~~

~~(2) Notwithstanding the reciprocity requirements of item (1), South Carolina shall automatically recognize concealed weapon permits issued by Georgia and North Carolina.~~

~~(3) The reciprocity provisions of this section shall not be construed to authorize the holder of any out of state permit or license to carry, in this State, any firearm or weapon other than a handgun.~~

(O) A permit issued pursuant to this article is not required for a person:

~~(1) specified in Section 16-23-20, items (1) through (5) and items (7) through (11);~~

~~(2) carrying a self defense device generally considered to be nonlethal including the substance commonly referred to as "pepper gas";~~  
~~or~~

~~(3) carrying a concealable weapon in a manner not prohibited by law.~~

(P) Upon renewal, a permit issued pursuant to this article is valid for five years. Subject to subsection (Q), SLED shall renew a currently valid permit upon:

(1) payment of a fifty-dollar renewal fee by the applicant. This fee must be waived for disabled veterans and retired law enforcement officers;

(2) completion of the renewal application; and

(3) picture identification or facsimile copy thereof.

(Q) Upon submission of the items required by subsection (P), SLED must conduct or facilitate a state and federal background check of the applicant. If the background check ~~is favorable~~ reveals no information which would be disqualifying under the provisions of this section, SLED must renew the permit."

SECTION 8. Section 23-31-220 of the 1976 Code is amended to read:

"Section 23-31-220. Nothing contained in this article shall in any way be construed to limit, diminish, or otherwise infringe upon:

(1) the right of a public or private employer to prohibit a person, including a person who is licensed under this article, from carrying a concealable weapon upon the premises of the business or work place or while using any machinery, vehicle, or equipment owned or operated by the business;

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(2) the right of a private property owner or person in legal possession or control of private property to allow or prohibit the carrying of a concealable weapon, including a person who possesses a concealable weapons permit, upon his premises.

The posting by the employer, owner, or person in legal possession or control of a sign stating 'No Concealable Weapons Allowed' shall constitute notice to a person, including a person holding a permit issued pursuant to this article, that the employer, owner, or person in legal possession or control requests that concealable weapons not be brought upon the premises or into the work place. A person who brings a concealable weapon onto the premises or work place in violation of the provisions of this paragraph may be charged with a violation of Section 16-11-620. In addition to the penalties provided in Section 16-11-620, a person convicted of a second or subsequent violation of the provisions of this paragraph must have ~~his~~ any permit issued to him pursuant to this article revoked for a period of one year. The prohibition contained in this section does not apply to ~~persons specified in Section 16-23-20, item (1)~~ peace officers engaged in the lawful performance of their official duties."

SECTION 9. Section 23-31-225 of the 1976 Code is amended to read:

"Section 23-31-225. ~~No~~ A person, including a person who holds a permit issued pursuant to Article 4, Chapter 31, Title 23, may not carry a concealable weapon into the residence or dwelling place of another person without the express permission of the owner or person in legal control or possession, as appropriate, nor may any person remain on the premises while in possession of the weapon if asked by the owner or person who is in legal control or possession of the premises to leave or to remove the weapon from the premises. A person who violates this provision is guilty of a misdemeanor and, upon conviction, must be fined not less than one thousand dollars or imprisoned for not more than one year, or both, at the discretion of the court and have his permit revoked for five years. The prohibition contained in this section does not apply to peace officers engaged in the lawful performance of their official duties."

SECTION 10. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of

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this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 11. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 12. The provisions of this act shall apply only to those individuals who legally may purchase a firearm from a properly licensed and certified firearms dealer.

SECTION 13. This act takes effect upon approval by the Governor./  
Renumber sections to conform.  
Amend title to conform.

Rep. PITTS spoke in favor of the amendment.

Rep. HILL spoke against the amendment.

Rep. HILL moved to table the amendment.

Rep. HILL demanded the yeas and nays which were taken, resulting as follows:

Yeas 10; Nays 93

Those who voted in the affirmative are:

Bedingfield	Elliott	Hill
Long	Magnuson	Putnam
G. R. Smith	Thayer	Whipper
Williams		

**Total--10**



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Those who voted in the negative are:

Allison	Anderson	Anthony
Arrington	Atkinson	Atwater
Bales	Ballentine	Bamberg
Bannister	Bennett	Bernstein
Blackwell	Bowers	Bradley
Caskey	Clary	Clemmons
Clyburn	Cogswell	Cole
Collins	Crawford	Daning
Davis	Delleney	Dillard
Douglas	Duckworth	Erickson
Felder	Finlay	Forrest
Forrester	Fry	Funderburk
Gagnon	Gilliard	Govan
Hamilton	Hardee	Hayes
Henderson	Henegan	Herbkersman
Hewitt	Hiott	Hosey
Howard	Huggins	Jefferson
Johnson	Jordan	King
Kirby	Knight	Loftis
Lowe	Lucas	Mack
Martin	McCravy	McEachern
McKnight	Mitchell	D. C. Moss
V. S. Moss	Murphy	B. Newton
W. Newton	Norrell	Ott
Pitts	Pope	Ridgeway
M. Rivers	S. Rivers	Robinson-Simpson
Ryhal	Sandifer	Simrill
J. E. Smith	Sottile	Spires
Tallon	Taylor	Toole
West	Wheeler	White
Whitmire	Willis	Yow

**Total--93**

So, the House refused to table the amendment.

Rep. OTT spoke in favor of the amendment.

Rep. J. E. SMITH requested a Point of Privilege of the House. Rep. J. E. SMITH stated that he had a right to address the House's action of

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invoking the previous question on H. 3930 as a Point of Privilege of the House.

The SPEAKER *PRO TEMPORE* denied the Point of Privilege. He stated that Rep. J. E. Smith's request did not relate to any of the reasons for a Point of Privilege of the House as recognized by Mason's Manual of Legislative Procedure. He cited to a Point of Order dated April 19, 2006, where the Speaker denied a similar request of Rep. J. E. Smith. Therefore, he denied the request for a Point of Privilege of the House.

The question then recurred to the adoption of the amendment.

The yeas and nays were taken resulting as follows:

Yeas 86; Nays 4

Those who voted in the affirmative are:

Allison	Anderson	Anthony
Arrington	Atkinson	Atwater
Bales	Ballentine	Bannister
Bedingfield	Bennett	Bernstein
Bowers	Bradley	Caskey
Clary	Clemmons	Clyburn
Cogswell	Cole	Collins
Crawford	Crosby	Daning
Davis	Delleney	Dillard
Douglas	Duckworth	Elliott
Erickson	Felder	Finlay
Forrest	Forrester	Fry
Funderburk	Gagnon	Hamilton
Hardee	Hart	Hayes
Henderson	Herbkersman	Hewitt
Hiott	Hosey	Huggins
Johnson	Jordan	King
Kirby	Loftis	Lowe
Lucas	Mack	Martin
McCrary	McEachern	D. C. Moss
V. S. Moss	Murphy	B. Newton
W. Newton	Norrell	Pitts
Pope	Putnam	Ridgeway
M. Rivers	S. Rivers	Ryhal
Sandifer	Simrill	J. E. Smith

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Sottile	Spires	Tallon
Taylor	Thayer	Toole
West	White	Whitmire
Willis	Yow	

**Total--86**

Those who voted in the negative are:

Hill	Long	Magnuson
G. R. Smith		

**Total--4**

So, the amendment was adopted.

Rep. BLACKWELL proposed the following Amendment No. 2 to H. 3930 (COUNCIL\AHB\3930C003.BH.AHB17), which was tabled:

Amend the bill, as and if amended, section 2, Section 16-23-20, page [3930-5], after line 5, by adding an appropriately lettered subsection to read:

/ (C) In addition to the requirements of Article 4, Chapter 31, Title 23, as applicable, a handgun owner who wishes to carry a handgun, whether concealed or not, in a public place must successfully complete a State Law Enforcement Division (SLED) approved handgun education course that promotes gun safety. This education course may be completed in person or online and must include, but is not limited to:

(1) information on the statutory and case law of this State relating to handguns and to the use of deadly force; and

(2) information on handgun use and safety.

Such persons carrying a handgun in a public place must have in their possession a certificate issued by SLED evidencing the completion of the handgun education course. A person who fails to possess the certificate required by this subsection is guilty of a misdemeanor and, upon conviction, may be fined not more than twenty-five dollars. A person who wilfully fails to successfully complete the required handgun education course may be charged with the offense of unlawful carrying of a handgun pursuant to the provisions of Section 16-23-20./

Renumber sections to conform.

Amend title to conform.

Rep. BLACKWELL spoke in favor of the amendment.

[HJ]

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**POINT OF ORDER**

Rep. J. E. SMITH raised the Point of Order that Amendment No. 2 was out of order as it was improperly written.

The SPEAKER *PRO TEMPORE* overruled the Point of Order and stated that Amendment No. 2 was properly drafted to amend the Bill, as and if previously amended, and simply added a subsection to a Code Section of the previously adopted Amendment No. 1.

Rep. WILLIAMS moved to continue the Bill.

Rep. DELLENEY demanded the yeas and nays which were taken, resulting as follows:

Yeas 24; Nays 71

Those who voted in the affirmative are:

Anderson	Bamberg	Bernstein
Brown	Clary	Dillard
Douglas	Funderburk	Gilliard
Govan	Hart	Jefferson
Mack	McEachern	McKnight
Norrell	Parks	Ridgeway
M. Rivers	Robinson-Simpson	Ryhal
J. E. Smith	Whipper	Williams

**Total--24**

Those who voted in the negative are:

Allison	Anthony	Arrington
Atkinson	Atwater	Ballentine
Bannister	Bedingfield	Bennett
Blackwell	Bowers	Bradley
Caskey	Clemmons	Cogswell
Cole	Collins	Crawford
Crosby	Daning	Davis
Delleney	Duckworth	Elliott
Erickson	Felder	Finlay
Forrest	Forrester	Fry
Gagnon	Hamilton	Hardee
Hayes	Henderson	Hewitt
Hill	Hiott	Huggins
Johnson	Jordan	Loftis

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Long	Lowe	Lucas
Magnuson	Martin	McCrary
D. C. Moss	V. S. Moss	Murphy
B. Newton	W. Newton	Pitts
Pope	Putnam	S. Rivers
Sandifer	Simrill	G. R. Smith
Sottile	Spires	Tallon
Taylor	Thayer	Toole
West	White	Whitmire
Willis	Yow	

**Total--71**

So, the House refused to continue the Bill.

Rep. HILL spoke against the amendment.

Rep. J. E. SMITH spoke against the amendment.

Rep. PITTS moved to table the amendment.

Rep. J. E. SMITH demanded the yeas and nays which were taken,  
resulting as follows:

Yeas 56; Nays 39

Those who voted in the affirmative are:

Allison	Anthony	Arrington
Atwater	Ballentine	Bannister
Bedingfield	Bradley	Caskey
Clemmons	Cole	Collins
Crawford	Delleney	Duckworth
Elliott	Erickson	Felder
Forrest	Forrester	Fry
Gagnon	Hamilton	Hardee
Henderson	Hill	Hiott
Huggins	Jordan	Loftis
Long	Lowe	Lucas
Magnuson	Martin	McCrary
D. C. Moss	V. S. Moss	Murphy
B. Newton	W. Newton	Pitts
Pope	Putnam	Sandifer
Simrill	G. R. Smith	Spires
Tallon	Thayer	Toole

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West	White	Whitmire
Willis	Yow	

**Total--56**

Those who voted in the negative are:

Anderson	Atkinson	Bales
Bennett	Bernstein	Blackwell
Bowers	Clary	Clyburn
Cogswell	Crosby	Daning
Davis	Dillard	Douglas
Finlay	Funderburk	Gilliard
Govan	Hart	Hayes
Hewitt	Hosey	Jefferson
Johnson	Mack	McEachern
McKnight	Norrell	Ridgeway
M. Rivers	S. Rivers	Robinson-Simpson
Ryhal	J. E. Smith	Sottile
Taylor	Wheeler	Whipper

**Total--39**

So, the amendment was tabled.

Rep. PITTS proposed the following Amendment No. 3 to H. 3930 (COUNCIL\ZW\3930C001.NL.ZW17), which was adopted:

Amend the bill, as and if amended, SECTION 2, beginning on page 3930-2, by striking SECTION 2 in its entirety and inserting:

/ SECTION 2. Section 16-23-20 of the 1976 Code is amended to read:

“Section 16-23-20. (A) It is unlawful for anyone to carry about the person any handgun, whether concealed or not, ~~except as follows, unless otherwise specifically prohibited by law: with the intent to use the handgun unlawfully against another person. The intent to use a handgun unlawfully against another person must not be inferred from the mere possession, carrying, use, or concealment of the handgun, whether it is loaded or unloaded.~~

(B) A person may not carry a handgun off of any real property the person occupies as a resident, owner, or lessee with the following exceptions:

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(1) regular, salaried law enforcement officers, and reserve police officers of a state agency, municipality, or county of the State, uncompensated Governor's constables, law enforcement officers of the federal government or other states when they are carrying out official duties while in this State, deputy enforcement officers of the Natural Resources Enforcement Division of the Department of Natural Resources, and retired commissioned law enforcement officers employed as private detectives or private investigators;

(2) members of the Armed Forces of the United States, the National Guard, organized reserves, or the State Militia when on duty;

(3) members, or their invited guests, of organizations authorized by law to purchase or receive firearms from the United States or this State or regularly enrolled members, or their invited guests, of clubs organized for the purpose of target shooting or collecting modern and antique firearms while these members, or their invited guests, are at or going to or from their places of target practice or their shows and exhibits;

(4) licensed hunters or fishermen who are engaged in hunting or fishing or going to or from their places of hunting or fishing while in a vehicle or on foot;

(5) a person regularly engaged in the business of manufacturing, repairing, repossessing, or dealing in firearms, or the agent or representative of this person, while possessing, using, or carrying a handgun in the usual or ordinary course of the business;

(6) guards authorized by law to possess handguns and engaged in protection of property of the United States or any agency of the United States;

(7) members of authorized military or civil organizations while parading or when going to and from the places of meeting of their respective organizations;

(8) a person ~~in his home or upon his real property or a person~~ who has the permission of the owner or the person in legal possession or the person in legal control of ~~the a~~ home or real property;

(9) a person in a vehicle if the handgun is:

(a) secured in a closed glove compartment, closed console, closed trunk, or in a closed container secured by an integral fastener and transported in the luggage compartment of the vehicle; however, this item is not violated if the glove compartment, console, or trunk is opened in the presence of a law enforcement officer for the sole purpose of retrieving a driver's license, registration, or proof of insurance. ~~If the person has been issued a concealed weapon permit pursuant to Article 4,~~

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~~Chapter 31, Title 23, then~~ The person also may secure his weapon under a seat in a vehicle, or in any open or closed storage compartment within the vehicle's passenger compartment; or

~~(b) concealed on or about his person and he has a valid concealed weapons permit pursuant to the provisions of Article 4, Chapter 31, Title 23;~~

~~(10) a person carrying a handgun unloaded and in a secure wrapper from the place of purchase to his home or fixed place of business or while in the process of changing or moving one's residence or changing or moving one's fixed place of business;~~

~~(11) a prison guard while engaged in his official duties;~~

~~(12) a person who is granted a permit under provision of law by the State Law Enforcement Division to carry a handgun about his person, under conditions set forth in the permit, and while transferring the handgun between a place of concealment on or about the permittee's person and a location specified in item (9);~~

~~(13) the owner or the person in legal possession or the person in legal control of a fixed place of business, while at the fixed place of business, and the employee of a fixed place of business, other than a business subject to Section 16-23-465, while at the place of business; however, the employee may exercise this privilege only after: (a) acquiring a permit pursuant to item (12), and (b) obtaining a person who has obtained the permission of the owner or person in legal control or legal possession of the premises;~~

~~(14) a person engaged in firearms-related activities while on the premises of a fixed place of business which conducts, as a regular course of its business, activities related to sale, repair, pawn, firearms training, or use of firearms, unless the premises is posted with a sign limiting possession of firearms to holders of permits issued pursuant to item (12);~~

~~(15) a person while transferring a handgun directly from or to a vehicle and a location specified in this section where one may legally possess the handgun;~~

~~(16) any person on a motorcycle when the pistol is secured in a closed saddlebag or other similar closed accessory container attached, whether permanently or temporarily, to the motorcycle;~~

~~(17) a person who possesses or exposes the handgun while in justified defense of self, property, or another;~~

~~(18) a person who is carrying in accordance with item (9)(b) of this section and who inadvertently exposes to another person a handgun in a holster or other retention device that the person intended to keep concealed on or about his person; or~~



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(19) the person is not otherwise prohibited by law from possessing a handgun.” /

Renumber sections to conform.

Amend title to conform.

Rep. PITTS spoke in favor of the amendment.

Rep. GOVAN spoke against the amendment.

The amendment was then adopted.

Rep. FUNDERBURK proposed the following Amendment No. 4 to H. 3930 (COUNCIL\AHB\3930C001.BBM.AHB17), which was tabled:

Amend the bill, as and if amended, by adding an appropriately numbered SECTION after SECTION 9, Page 3930-12, after line 7, to read:

/ SECTION \_\_. Chapter 31, Title 23 of the 1976 Code is amended by adding:

“Article 2

Firearms Criminal Background Checks

Section 23-31-70. (A) In addition to any other requirements pursuant to local, state, and federal law, all sales, exchanges, or transfers of firearms by licensed dealers must be conducted in accordance with the provisions of this article and the provisions of 18 U.S.C. Section 922.

(B) Before any sale, exchange, or transfer pursuant to the provisions of this article may take place in this State, a national instant criminal background check pursuant to 18 U.S.C. Section 922 must be completed by a licensed dealer. Notwithstanding another provision of law, a licensed dealer may not deliver a firearm to a purchaser or transferee until the results of all required background checks are known and the purchaser or transferee is not prohibited from owning or possessing a firearm pursuant to the provisions of 18 U.S.C. Section 922 or any other local, state, or federal law and the licensed dealer has been notified.” /

Amend the bill further, by deleting SECTION 12 and inserting:

/ SECTION 12. The provisions of SECTIONS 1 through 9 of this act shall apply only to those individuals who legally may purchase a firearm from a properly licensed and certified firearms dealer. /

Renumber sections to conform.

Amend title to conform.

Rep. FUNDERBURK spoke in favor of the amendment.

Rep. PITTS spoke against the amendment.

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Rep. DELLENEY moved to table the amendment.

Rep. COBB-HUNTER demanded the yeas and nays which were taken, resulting as follows:

Yeas 62; Nays 43

Those who voted in the affirmative are:

Allison	Arrington	Atwater
Ballentine	Bannister	Bedingfield
Bennett	Bradley	Clemmons
Cole	Collins	Crawford
Daning	Davis	Delleney
Duckworth	Elliott	Erickson
Finlay	Forrest	Forrester
Fry	Gagnon	Hamilton
Hardee	Henderson	Herbkersman
Hewitt	Hill	Hiott
Huggins	Johnson	Jordan
Loftis	Long	Lowe
Lucas	Magnuson	Martin
McCravy	D. C. Moss	V. S. Moss
Murphy	B. Newton	W. Newton
Pitts	Pope	Putnam
S. Rivers	Sandifer	Simrill
G. R. Smith	Spires	Tallon
Taylor	Thayer	Toole
West	White	Whitmire
Willis	Yow	

**Total--62**

Those who voted in the negative are:

Alexander	Anderson	Anthony
Atkinson	Bales	Bamberg
Bernstein	Blackwell	Bowers
Brown	Clary	Clyburn
Cobb-Hunter	Cogswell	Crosby
Dillard	Douglas	Funderburk
Gilliard	Govan	Hart
Hayes	Henegan	Hosey
Howard	Jefferson	King

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Kirby	Knight	Mack
McEachern	McKnight	Norrell
Parks	Ridgeway	M. Rivers
Robinson-Simpson	Ryhal	J. E. Smith
Sottile	Wheeler	Whipper
Williams		

**Total--43**

So, the amendment was tabled.

Rep. PITTS spoke in favor of the Bill.  
Rep. LOWE spoke in favor of the Bill.  
Rep. CLEMMONS spoke in favor of the Bill.  
Rep. JORDAN spoke in favor of the Bill.  
Rep. MARTIN spoke in favor of the Bill.  
Rep. G. R. SMITH spoke in favor of the Bill.  
Rep. WHITE spoke in favor of the Bill.  
Rep. CROSBY spoke against the Bill.  
Rep. GILLIARD spoke against the Bill.  
Rep. KING spoke against the Bill.  
Rep. JEFFERSON spoke against the Bill.  
Rep. J. E. SMITH spoke against the Bill.  
Rep. WHIPPER spoke against the Bill.  
Rep. BAMBERG spoke against the Bill.  
Rep. M. RIVERS spoke against the Bill.  
Rep. CLARY spoke against the Bill.  
Rep. THIGPEN spoke against the Bill.  
Rep. RYHAL spoke against the Bill.  
Rep. OTT spoke against the Bill.

Rep. BAMBERG moved to commit the Bill to the Committee on Ways and Means.

Rep. DELLENEY moved to table the motion.

Rep. DELLENEY demanded the yeas and nays which were taken, resulting as follows:

Yeas 66; Nays 43

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Those who voted in the affirmative are:

Allison	Arrington	Atwater
Ballentine	Bannister	Bedingfield
Bennett	Blackwell	Bradley
Burns	Caskey	Chumley
Clemmons	Cole	Collins
Crawford	Daning	Delleney
Duckworth	Elliott	Erickson
Felder	Finlay	Forrest
Forrester	Fry	Gagnon
Hamilton	Hardee	Henderson
Hewitt	Hill	Hiott
Huggins	Johnson	Jordan
Loftis	Long	Lowe
Lucas	Magnuson	Martin
McCrary	D. C. Moss	V. S. Moss
Murphy	B. Newton	W. Newton
Pitts	Pope	Putnam
S. Rivers	Sandifer	Simrill
G. R. Smith	Sottile	Spires
Tallon	Taylor	Thayer
Toole	West	White
Whitmire	Willis	Yow

**Total--66**

Those who voted in the negative are:

Alexander	Anderson	Anthony
Atkinson	Bales	Bamberg
Bernstein	Bowers	Brown
Clary	Cobb-Hunter	Cogswell
Crosby	Davis	Dillard
Douglas	Funderburk	Gilliard
Govan	Hart	Hayes
Henegan	Hosey	Howard
Jefferson	King	Kirby
Knight	Mack	McEachern
McKnight	Norrell	Ott
Parks	Ridgeway	M. Rivers
Robinson-Simpson	Ryhal	J. E. Smith

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Thigpen  
Williams

Wheeler

Whipper

**Total--43**

So, the motion to commit the Bill was tabled.

Rep. KING moved to continue the Bill.

Rep. DELLENEY demanded the yeas and nays which were taken, resulting as follows:

Yeas 39; Nays 67

Those who voted in the affirmative are:

Alexander	Anderson	Anthony
Bales	Bamberg	Bernstein
Bowers	Brown	Clary
Cobb-Hunter	Cogswell	Crosby
Davis	Dillard	Douglas
Funderburk	Gilliard	Govan
Henegan	Hosey	Howard
Jefferson	King	Knight
Mack	McEachern	McKnight
Norrell	Ott	Parks
Ridgeway	M. Rivers	Robinson-Simpson
Ryhal	J. E. Smith	Thigpen
Wheeler	Whipper	Williams

**Total--39**

Those who voted in the negative are:

Allison	Arrington	Atwater
Ballentine	Bannister	Bedingfield
Bennett	Blackwell	Bradley
Burns	Caskey	Chumley
Clemmons	Cole	Collins
Crawford	Daning	Delleney
Duckworth	Elliott	Erickson
Felder	Finlay	Forrest
Forrester	Fry	Gagnon
Hamilton	Hardee	Hart

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Henderson	Hewitt	Hill
Hiott	Huggins	Johnson
Jordan	Loftis	Long
Lowe	Lucas	Magnuson
Martin	McCrary	D. C. Moss
V. S. Moss	Murphy	B. Newton
W. Newton	Pitts	Pope
Putnam	S. Rivers	Sandifer
Simrill	G. R. Smith	Sottile
Spires	Tallon	Taylor
Thayer	Toole	West
White	Whitmire	Willis
Yow		

**Total--67**

So, the House refused to continue the Bill.

Rep. KING moved that the House recede until 8:00 p.m.

Rep. DELLENEY demanded the yeas and nays which were taken, resulting as follows:

Yeas 24; Nays 80

Those who voted in the affirmative are:

Anderson	Bamberg	Brown
Clary	Dillard	Funderburk
Gilliard	Govan	Howard
Jefferson	King	Knight
Mack	McKnight	Norrell
Ott	Parks	Ridgeway
M. Rivers	Robinson-Simpson	J. E. Smith
Wheeler	Whipper	Williams

**Total--24**

Those who voted in the negative are:

Allison	Anthony	Arrington
Atkinson	Atwater	Bales
Ballentine	Bannister	Bedingfield
Bennett	Bernstein	Blackwell

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Bradley	Burns	Caskey
Chumley	Clemmons	Cogswell
Cole	Collins	Crawford
Crosby	Daning	Davis
Delleney	Douglas	Duckworth
Elliott	Erickson	Felder
Finlay	Forrest	Forrester
Fry	Gagnon	Hamilton
Hardee	Hayes	Henderson
Herbkersman	Hewitt	Hill
Hiott	Huggins	Johnson
Jordan	Kirby	Loftis
Long	Lowe	Lucas
Magnuson	Martin	McCrary
McEachern	D. C. Moss	V. S. Moss
Murphy	B. Newton	W. Newton
Pitts	Pope	Putnam
S. Rivers	Ryhal	Sandifer
Simrill	G. R. Smith	Sottile
Spires	Tallon	Taylor
Thayer	Thigpen	Toole
West	White	Whitmire
Willis	Yow	

**Total--80**

So, the House refused to recede.

Rep. ANDERSON moved that the House do now adjourn.

Rep. DELLENEY demanded the yeas and nays which were taken, resulting as follows:

Yeas 30; Nays 71

Those who voted in the affirmative are:

Anderson	Anthony	Bamberg
Bernstein	Bowers	Brown
Clary	Dillard	Douglas
Funderburk	Gilliard	Govan
Hart	Hayes	Henegan
Hosey	Howard	Jefferson

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King	Mack	McEachern
McKnight	Norrell	Parks
Ridgeway	M. Rivers	Robinson-Simpson
J. E. Smith	Thigpen	Williams

**Total--30**

Those who voted in the negative are:

Allison	Arrington	Atwater
Bales	Ballentine	Bannister
Bedingfield	Bennett	Blackwell
Bradley	Burns	Caskey
Chumley	Clemmons	Cogswell
Cole	Collins	Crawford
Daning	Davis	Delleney
Duckworth	Elliott	Erickson
Felder	Finlay	Forrest
Forrester	Fry	Gagnon
Hamilton	Hardee	Henderson
Hewitt	Hill	Hiott
Huggins	Johnson	Jordan
Knight	Loftis	Long
Lowe	Lucas	Magnuson
Martin	McCrary	D. C. Moss
V. S. Moss	Murphy	B. Newton
W. Newton	Ott	Pitts
Pope	Putnam	S. Rivers
Sandifer	Simrill	G. R. Smith
Sottile	Spires	Tallon
Taylor	Thayer	Toole
West	White	Whitmire
Willis	Yow	

**Total--71**

So, the House refused to adjourn.

Rep. WILLIAMS moved to table the Bill.



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**POINT OF ORDER**

Rep. HILL raised the Point of Order that under Rule 8.3, no dilatory motion or amendment shall be entertained by the SPEAKER, prior precedents to the contrary notwithstanding.

The SPEAKER *PRO TEMPORE* overruled the Point of Order and stated that all the motions made were appropriate and that their use had not arisen to the level of dilatory motions under Rule 8.3.

Rep. DELLENEY demanded the yeas and nays which were taken, resulting as follows:

Yeas 28; Nays 77

Those who voted in the affirmative are:

Anderson	Bamberg	Bernstein
Bowers	Brown	Clary
Cogswell	Dillard	Douglas
Funderburk	Gilliard	Hart
Hosey	Howard	Jefferson
King	Mack	McEachern
McKnight	Norrell	Parks
Ridgeway	M. Rivers	Robinson-Simpson
J. E. Smith	Thigpen	Whipper
Williams		

**Total--28**

Those who voted in the negative are:

Allison	Anthony	Arrington
Atkinson	Atwater	Bales
Ballentine	Bannister	Bedingfield
Bennett	Blackwell	Bradley
Burns	Caskey	Chumley
Clemmons	Cole	Collins
Crawford	Crosby	Daning
Davis	Delleney	Duckworth
Elliott	Erickson	Felder
Finlay	Forrest	Forrester
Fry	Gagnon	Govan
Hamilton	Hardee	Hayes
Henderson	Herbkersman	Hewitt
Hill	Hiott	Huggins

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Johnson	Jordan	Kirby
Knight	Loftis	Long
Lowe	Lucas	Magnuson
Martin	McCrary	D. C. Moss
V. S. Moss	Murphy	B. Newton
W. Newton	Ott	Pitts
Pope	Putnam	S. Rivers
Sandifer	Simrill	G. R. Smith
Sottile	Spires	Tallon
Taylor	Thayer	Toole
West	White	Whitmire
Willis	Yow	

**Total--77**

So, the House refused to table the Bill.

**POINT OF ORDER**

Rep. J. E. SMITH raised the Point of Order that H. 3930 was out of order under Rule 5.13 in that a fiscal impact statement was required. He stated that specific language in Section 7 of the Bill effected the expenditure of state funds.

SPEAKER *PRO TEMPORE* overruled the Point of Order and stated that a fiscal impact statement was not required for the Bill. He stated the language cited by Rep. J. E. Smith was current law - not new language proposed by the Section. The SPEAKER *PRO TEMPORE* stated that the Bill would not cause the expenditure of state funds that were not already being expended under current law. He overruled the Point of Order and stated that no fiscal impact statement was required.

The question then recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 64; Nays 46

Those who voted in the affirmative are:

Allison	Arrington	Atkinson
Atwater	Ballentine	Bannister
Bedingfield	Bennett	Bradley
Burns	Caskey	Chumley
Clemmons	Cole	Collins

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Crawford	Delleney	Duckworth
Elliott	Erickson	Felder
Finlay	Forrest	Forrester
Fry	Gagnon	Hamilton
Hardee	Henderson	Herbkersman
Hewitt	Hill	Hiott
Huggins	Johnson	Jordan
Loftis	Long	Lowe
Lucas	Magnuson	Martin
McCrary	V. S. Moss	Murphy
B. Newton	W. Newton	Pitts
Pope	Putnam	S. Rivers
Sandifer	Simrill	G. R. Smith
Spires	Tallon	Taylor
Thayer	Toole	West
White	Whitmire	Willis
Yow		

**Total--64**

Those who voted in the negative are:

Alexander	Anderson	Anthony
Bales	Bamberg	Bernstein
Blackwell	Bowers	Brown
Clary	Cobb-Hunter	Cogswell
Crosby	Daning	Davis
Dillard	Douglas	Funderburk
Gilliard	Govan	Hart
Hayes	Henegan	Hosey
Howard	Jefferson	King
Kirby	Knight	Mack
McEachern	McKnight	D. C. Moss
Norrell	Ott	Parks
Ridgeway	M. Rivers	Robinson-Simpson
Ryhal	J. E. Smith	Sottile
Thigpen	Wheeler	Whipper
Williams		

**Total--46**

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So, the Bill, as amended, was read the second time and ordered to third reading.

**SPEAKER IN CHAIR**

**H. 3137--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3137 -- Reps. Stavrinakis, McCoy, Bales, J. E. Smith, Gilliard and Bedingfield: A BILL TO AMEND SECTIONS 61-6-1140 AND 61-6-1150, CODE OF LAWS OF SOUTH CAROLINA, 1976, BOTH RELATED TO TASTINGS AND RETAIL SALES OF ALCOHOLIC LIQUORS AT LICENSED PREMISES OF A MICRO-DISTILLERY OR MANUFACTURER, SO AS TO REVISE THE OUNCE AMOUNT OF ALCOHOLIC LIQUORS DISPENSED AT LICENSED PREMISES AND TO REVISE THE SALE AT RETAIL OF ALCOHOLIC LIQUORS AT LICENSED PREMISES AND TO ALLOW MIXERS TO BE USED IN TASTINGS.

The Committee on Judiciary proposed the following Amendment No. 1 to H. 3137 (COUNCIL\JH\3137C001.DKA.JH17), which was adopted:

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

/ SECTION 1. Section 61-6-1140 of the 1976 Code, as added by Act 11 of 2009, is amended to read:

“Section 61-6-1140. A holder of a valid micro-distillery or manufacturer license issued by the State may permit tastings and retail sales of the alcoholic liquors produced at the licensed premises subject to the following limitations and any other limitations provided in this subarticle:

- (1) tastings by and sales to consumers must be held in conjunction with a tour by the consumer of the on-site licensed premises;
- (2) the micro-distillery or manufacturer shall establish appropriate protocols to ensure that a consumer sold or served alcoholic liquors pursuant to this section is not under twenty-one years of age and that a consumer shall not attend more than one tasting in a day;
- (3) ~~the micro-distillery or manufacturer shall dispense alcoholic liquors for tasting in quantities not greater than one half ounce per sample;~~

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~~(4)~~ the micro-distillery or manufacturer may not dispense more than ~~one and one-half~~ three ounces to an individual consumer in one day;

~~(5)~~(4) tastings and sales may occur only between the hours of nine a.m. and seven p.m., Monday through Saturday;

~~(6)~~(5) the micro-distillery or manufacturer may charge for alcoholic liquors consumed at a tasting, but must collect and remit the liquor by the drink excise tax pursuant to the provisions of Chapter 33, Title 12;

(6) the micro-distillery or manufacturer may provide mixers, which must be nonalcoholic and carry zero percent of alcohol by weight, in conjunction with the tasting, but the micro-distillery or manufacturer may not charge for the mixers;

(7) tastings may not occur in conjunction with the service of food in a restaurant setting; and

(8) only brands of alcoholic liquors actually manufactured, distilled, or fermented at and distributed to wholesalers from the licensed premises may be sold or offered for tasting.”

SECTION 2. Section 61-6-1150 of the 1976 Code, as added by Act 11 of 2009, is amended to read:

“Section 61-6-1150. Authorization by this section of sales and tastings at licensed premises of a micro-distillery or manufacturer is expressly intended for the promotion of education regarding production of alcoholic liquors in the State and not to create competition between producers and retailers. A holder of a valid micro-distillery or manufacturer license issued by the State may:

(1) sell in any quantities the alcoholic liquors produced at the licensed premises to a wholesaler licensed by the State;

(2) transport in any quantities the alcoholic liquors produced at the licensed premises out of state for sale outside of the State;

(3) sell at retail at the licensed premises ~~only in quantities of 750-milliliter bottles~~ the alcoholic liquors produced at the licensed premises, but only if the labels for the bottles are marked ‘not for resale’;

(4) sell at retail no more than the equivalent of three 750-milliliter bottles of alcoholic liquors to a consumer in one business day;

(5) not allow consumption on the licensed premises of alcoholic liquors sold by the bottle at the licensed premises;

(6) maintain pricing of the alcoholic liquors sold at the licensed premises at a price approximating retail prices generally charged for identical alcoholic liquors in the county where the on-site premises is located;

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(7) in addition to the sale of alcoholic liquors as authorized by this section, sell items promoting the brand or brands of alcoholic liquors produced at that location in a room on the licensed premises separate from the locations of the tastings; ~~and~~

(8) not sell or store goods, wares, or merchandise in or from the room in which alcoholic liquors are sold or tasted;

(9) store mixers used, but not sold, in conjunction with tastings;  
and

(10) not allow minors into the portion of the facility where tastings are occurring.”

SECTION 3. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Rep. BANNISTER spoke in favor of the amendment.

The amendment was then adopted.

The question then recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 93; Nays 13

Those who voted in the affirmative are:

Alexander	Allison	Anderson
Anthony	Arrington	Atkinson
Atwater	Bales	Ballentine
Bamberg	Bannister	Bedingfield
Bennett	Bernstein	Blackwell
Bowers	Bradley	Brown
Caskey	Clary	Clemmons
Cobb-Hunter	Cogswell	Cole
Collins	Crawford	Crosby
Davis	Delleney	Dillard
Douglas	Duckworth	Elliott
Erickson	Felder	Finlay
Forrest	Forrester	Fry
Funderburk	Gagnon	Gilliard
Govan	Hamilton	Hardee
Hart	Hayes	Henderson
Henegan	Herbkersman	Hewitt
Hill	Hosey	Howard

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Huggins	Johnson	King
Kirby	Knight	Lowe
Lucas	Mack	Martin
McKnight	V. S. Moss	Murphy
B. Newton	W. Newton	Norrell
Ott	Parks	Pope
Putnam	Ridgeway	M. Rivers
S. Rivers	Robinson-Simpson	Ryhal
Sandifer	Simrill	G. R. Smith
J. E. Smith	Sottile	Spires
Tallon	Taylor	Thayer
West	Wheeler	Whipper
White	Whitmire	Williams

**Total--93**

Those who voted in the negative are:

Burns	Chumley	Daning
Hiott	Loftis	Long
Magnuson	McCray	McEachern
D. C. Moss	Toole	Willis
Yow		

**Total--13**

So, the Bill, as amended, was read the second time and ordered to third reading.

**H. 3064--DEBATE ADJOURNED**

The following Bill was taken up:

H. 3064 -- Reps. Rutherford and Gilliard: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 40-43-185 SO AS TO PROVIDE THE BOARD OF PHARMACY SHALL ISSUE A WRITTEN PROTOCOL IN COMPLIANCE WITH WHICH PHARMACISTS, WITHOUT AN ORDER OF A PRACTITIONER, MAY PRESCRIBE AND DISPENSE HORMONAL CONTRACEPTIVE PATCHES AND SELF-ADMINISTERED ORAL HORMONAL CONTRACEPTIVES; TO PROVIDE THE BOARD ALSO SHALL ADOPT CERTAIN RULES TO ESTABLISH STANDARD PROCEDURES FOR THESE

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PRESCRIPTIONS AND DISPENSATIONS; AND TO PROVIDE THAT LAWS GOVERNING INSURANCE COVERAGE OF CONTRACEPTIVE DRUGS, DEVICES, PRODUCTS, AND SERVICES MUST BE CONSTRUED TO APPLY TO HORMONAL CONTRACEPTIVE PATCHES AND SELF-ADMINISTERED ORAL HORMONAL CONTRACEPTIVES PRESCRIBED AND DISPENSED PURSUANT TO THIS ACT.

Rep. HOWARD moved to adjourn debate on the Bill until Thursday, April 6, which was agreed to.

**H. 3209--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3209 -- Reps. Pope, Robinson-Simpson, Crosby, Whipper, Brown, M. Rivers, King, Magnuson, Norrell, Martin, B. Newton, Long, Govan, Henegan, Dillard and Gilliard: A BILL TO AMEND SECTION 17-22-910, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO APPLICATIONS FOR THE EXPUNGEMENT OF CRIMINAL RECORDS FOR CERTAIN OFFENSES, SO AS TO PROVIDE FOR ELIGIBILITY FOR EXPUNGEMENT OF OFFENSES SUBSEQUENTLY REPEALED WHEN THE ELEMENTS OF THE OFFENSE ARE CONSISTENT WITH AN EXISTING SIMILAR OFFENSE WHICH IS SUBJECT TO EXPUNGEMENT, AND CLARIFY THAT EXPUNGEMENT PROVISIONS APPLY RETROACTIVELY TO THE OFFENSES DELINEATED.

The Committee on Judiciary proposed the following Amendment No. 1 to H. 3209 (COUNCIL\AHB\3209C001.BH.AHB17), which was adopted:

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

/ SECTION 1. Section 17-22-910 of the 1976 Code, as last amended by Act 22 of 2015, is further amended to read:

“Section 17-22-910. (A) Applications for expungement of all criminal records must be administered by the solicitor’s office in each circuit in the State as authorized pursuant to:

- (1) Section 34-11-90(e), first offense misdemeanor fraudulent check;
- (2) Section 44-53-450(b), conditional discharge;

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(3) Section 22-5-910, first offense conviction in magistrates court;

(4) Section 22-5-920, youthful offender act;

(5) Section 22-5-930, first offense drug convictions;

(6) Section 56-5-750(f), first offense failure to stop when signaled by a law enforcement vehicle;

~~(6)~~(7) Section 17-22-150(a), pretrial intervention;

~~(7)~~(8) Section 17-1-40, criminal records destruction, except as provided in Section 17-22-950;

~~(8)~~(9) Section 63-19-2050, juvenile expungements;

~~(9)~~(10) Section 17-22-530(A), alcohol education program;

~~(10)~~(11) Section 17-22-330(A), traffic education program; and

~~(11)~~(12) any other statutory authorization.

(B) A person's eligibility for expungement of an offense contained in this section, or authorized by any other provision of law, must be based on the offense that the person pled guilty to or was convicted of committing and not on an offense for which the person may have been charged. In addition, if an offense for which a person was convicted is subsequently repealed and the elements of the offense are consistent with an existing similar offense which is currently eligible for expungement, a person's eligibility for expungement of an offense must be based on the existing similar offense.

(C) The provisions of this section apply retroactively to allow expungement as provided by law for each offense delineated in subsection (A) by persons convicted prior to the enactment of this section or the addition of a specific item contained in subsection (A)."

SECTION 2. Section 22-5-910 of the 1976 Code, as last amended by Act 132 of 2016, is further amended to read:

"Section 22-5-910. (A) Following a ~~first offense~~ conviction for a crime carrying a penalty of not more than thirty days imprisonment or a fine of one thousand dollars, or both, the defendant after three years from the date of the conviction, including a conviction in magistrates or general sessions court, may apply, or cause someone acting on his behalf to apply, to the circuit court for an order expunging the records of the arrest and conviction and any associated bench warrant. However, this section does not apply to an offense involving the operation of a motor vehicle.

(B) Following a ~~first offense~~ conviction for domestic violence in the third degree pursuant to Section 16-25-20(D), or Section 16-25-20(B)(1) as it existed before June 4, 2015, the defendant after five years from the date of the conviction, including a conviction in

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magistrates or general sessions court, may apply, or cause someone acting on his behalf to apply, to the circuit court for an order expunging the records of the arrest and conviction and any associated bench warrant.

(C) If the defendant has had no other conviction during the three-year period as provided in subsection (A), or during the five-year period as provided in subsection (B), the circuit court may issue an order expunging the records including any associated bench warrant. ~~No person may have his records expunged under this section more than once. A person may have his record expunged even though the conviction occurred prior to June 1, 1992.~~

(D) After the expungement, the South Carolina Law Enforcement Division is required to keep a nonpublic record of the offense and the date of the expungement to ensure that no person takes advantage of the rights of this section more than once. This nonpublic record is not subject to release pursuant to Section 34-11-95, the Freedom of Information Act, or any other provision of law except to those authorized law or court officials who need to know this information in order to prevent the rights afforded by this section from being taken advantage of more than once.

(E) As used in this section, ‘conviction’ includes a guilty plea, a plea of nolo contendere, or the forfeiting of bail, including out-of-state convictions. For the purpose of this section, any number of offenses for crimes carrying a penalty of not more than thirty days imprisonment or a fine of one thousand dollars, or both, that are closely connected and arose out of the same incident may be considered as one offense and treated as one conviction for expungement purposes.

(F) No person may have the person’s record expunged under this section if the person has pending criminal charges of any kind. No person may have the person’s records expunged under this section more than once. A person may have the person’s record expunged even though the conviction occurred before the effective date of this section.”

SECTION 3. Section 22-5-920 of the 1976 Code, as last amended by Act 132 of 2016, is further amended to read:

“Section 22-5-920. (A) As used in this section, ‘conviction’ includes a guilty plea, a plea of nolo contendere, or the forfeiting of bail, including out-of-state convictions. For the purpose of this section, any number of offenses for which the individual received a youthful offender sentence that are closely connected and arose out of the same incident may be considered as one offense and treated as one conviction for expungement purposes.

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(B)(1) Following a first offense conviction as a youthful offender for which a defendant is sentenced pursuant to the provisions of Chapter 19, Title 24, Youthful Offender Act, the defendant, who has not been convicted of any offense while serving the youthful offender sentence, including probation and parole, or for a period of ~~after~~ five years from the date of completion of the defendant's sentence, including probation and parole, may apply, or cause someone acting on the defendant's behalf to apply, to the circuit court for an order expunging the records of the arrest and conviction.

(2) However, this section does not apply to:

(a) an offense involving the operation of a motor vehicle;

(b) an offense classified as a violent crime in Section 16-1-60; or

(c) an offense contained in Chapter 25, Title 16, except as otherwise provided in Section 16-25-30; or

(d) an offense for which the individual is required to register in accordance with the South Carolina Sex Offender Registry Act.

(3) If the defendant has had no other conviction during the service of the youthful offender sentence, including probation and parole, or during the five-year period following completion of the defendant's sentence, including probation and parole, for a first offense conviction as a youthful offender for which the defendant was sentenced pursuant to the provisions of Chapter 19, Title 24, Youthful Offender Act, the circuit court may issue an order expunging the records. No person may have the person's records expunged under this section more than once. A person may have the person's record expunged even though the conviction occurred before the effective date of this section. A person eligible for a sentence pursuant to the provisions of Chapter 19, Title 24, Youthful Offender Act, and who is not sentenced pursuant to those provisions, is not eligible to have the person's record expunged pursuant to the provisions of this section.

(C) After the expungement, the South Carolina Law Enforcement Division is required to keep a nonpublic record of the offense and the date of its expungement to ensure that no person takes advantage of the rights permitted by this section more than once. This nonpublic record is not subject to release under Section 34-11-95, the Freedom of Information Act, or another provision of law, except to those authorized law enforcement or court officials who need this information in order to prevent the rights afforded by this section from being taken advantage of more than once."

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SECTION 4. Article 11, Chapter 5, Title 22 of the 1976 Code is amended by adding:

“Section 22-5-930. (A) Following a first offense conviction of any offense under Title 44, Chapter 53, Article 3 involving the possession of a controlled substance, including those charges for which the person would now be eligible for a conditional discharge pursuant to Section 44-53-450, the defendant after three years from the date of the conviction, including a conviction in magistrates or general sessions court, may apply, or cause someone acting on his behalf to apply, to the circuit court for an order expunging the records of the arrest and conviction and any associated bench warrant.

(B) If the defendant had no other convictions during the three-year period as provided in subsection (A), the circuit court may issue an order expunging the records including any associated bench warrant.

(C) No person may have the person’s record expunged under this section if the person has pending criminal charges of any kind. No person may have the person’s records expunged under this section more than once. No person may have the person’s records expunged if the person had a conditional discharge with the prior five years from the date of arrest for underlying conviction if for marijuana, and the prior ten years from the date of arrest for the underlying conviction if for any other controlled substance. A person may have the person’s record expunged even though the conviction occurred before the effective date of this section.

(D) After the expungement, the South Carolina Law Enforcement Division is required to keep a nonpublic record of the offense and the date of expungement to ensure that no person takes advantage of the rights of this section more than once. This nonpublic record is not subject to release pursuant to Section 34-11-95, the Freedom of Information Act, or any other provision of law except to those authorized law or court officials who need to know this information in order to prevent the rights afforded by this section from being taken advantage of more than once.

(E) As used in this section, ‘conviction’ includes a guilty plea, a nolo contendere, or the forfeiting of bail, including out-of-state convictions. For the purpose of this section, any number of offenses that are closely connected and arose out of the same incident may be considered as one offense and treated as one conviction for expungement purposes.”

SECTION 5. Section 63-19-2050(C)(2) of the 1976 Code is amended to read:

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“(2) If the person has been taken into custody for, charged with, or adjudicated delinquent for having committed a nonviolent crime, as defined in Section 16-1-70, the court may grant the expungement order. For the purpose of this section, any number of offenses for which the individual received a youthful offender sentence that are closely connected and arose out of the same incident may be considered as one offense and treated as one conviction for expungement purposes.”

SECTION 6. Section 17-22-940(E) and (F) of the 1976 Code, as last amended by Act 276 of 2014, is further amended to read:

“(E) In cases when charges are sought to be expunged pursuant to Section 17-22-150(a), 17-22-530(a), 17-22-330(A), 22-5-910, or 44-53-450(b), the circuit pretrial intervention director, alcohol education program director, traffic education program director, or summary court judge shall attest by signature on the application to the eligibility of the charge for expungement before either the solicitor or his designee and then the circuit court judge, or the family court judge in the case of a juvenile, signs the application for expungement.

(F) SLED shall verify and document that the criminal charges in all cases, except in cases when charges are sought to be expunged pursuant to Section 17-1-40, Section 17-22-150(a), Section 17-22-530(A), Section 17-22-330(A), or Section 44-53-450(b), are appropriate for expungement before the solicitor or his designee, and then a circuit court judge, or a family court judge in the case of a juvenile, signs the application for expungement. If the expungement is sought pursuant to Section 34-11-90(e), Section 22-5-910, Section 22-5-920, Section 63-19-2050, or Section 56-5-750(f), the conviction for any minor traffic-related offense which is punishable only by a fine or loss of points that is not related in any way to driving under the influence of alcohol will not be considered as a bar to expungement.

(1) SLED shall receive a twenty-five dollar certified check or money order from the solicitor or his designee on behalf of the applicant made payable to SLED for each verification request, except that no verification fee may be charged when an expungement is sought pursuant to Section 17-1-40, Section 17-22-530(A), Section 17-22-330(A), Section 17-22-150(a), or 44-53-450(b). SLED then shall forward the necessary documentation back to the solicitor’s office involved in the process.

(2) In the case of juvenile expungements, verification and documentation that the charge is statutorily appropriate for expungement must first be accomplished by the Department of Juvenile Justice and then SLED.

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(3) Neither SLED, the Department of Juvenile Justice, nor any other official shall allow the applicant to take possession of the application for expungement during the expungement process.”

SECTION 7. Article 11, Chapter 21, Title 24 of the 1976 Code is amended by adding:

“Section 24-21-1010. (A)(1) A person who is applying for an order of pardon for an offense pursuant to this article may request that the South Carolina Board of Pardons and Paroles recommends the expungement of records related to the offense.

(2) A person who has received an order of pardon for an offense pursuant to this article prior to the effective date of this section may apply to the South Carolina Board of Pardons and Paroles to request that the board recommend the expungement of records related to the offense.

(B) This section does not apply to a person who is applying for an order of pardon or has received an order of pardon for a felony offense defined as a violent crime. For the purposes of this section violent crime is defined as any crime listed in Section 16-1-60 but shall not include any drug offenses listed in Chapter 53, Title 44.

(C) The applicant shall pay a recommendation of expungement application fee of one hundred dollars, which must be retained by the South Carolina Department of Probation, Parole and Pardon Services and used to defray the costs associated with the expungement process. The fee is nonrefundable, regardless of whether the offense is later determined to be ineligible for expungement. If the applicant is applying for an order of pardon and a recommendation of expungement at the same time, the applicant shall pay both the order of pardon application fee and the recommendation of expungement application fee.

(D) The South Carolina Department of Probation, Parole and Pardon Services shall implement policies and procedures consistent with this section to ensure that the recommendation of expungement process is properly conducted. Such policies and procedures must include, but are not limited to:

(1) assisting the applicant in completing the recommendation of expungement application;

(2) collecting from the applicant and distributing to the appropriate agencies separate certified checks or money orders for charges prescribed by this section;

(3) notifying the appropriate victim of the application pursuant to Section 16-3-1560, and the appropriate prosecuting or law enforcement agency;

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(4) coordinating with the South Carolina Law Enforcement Division to confirm that the offense is statutorily appropriate for expungement;

(5) obtaining and verifying the presence of all necessary signatures; and

(6) providing copies of the completed recommendation of expungement to the applicant.

(E) The South Carolina Law Enforcement Division shall verify and document that the offense sought to be expunged is appropriate for expungement. The South Carolina Law Enforcement Division shall receive a twenty-five dollar certified check or money order from the South Carolina Department of Probation, Parole and Pardon Services on behalf of the applicant made payable to the South Carolina Law Enforcement Division. The South Carolina Law Enforcement Division shall forward the necessary documentation back to the South Carolina Department of Probation, Parole and Pardon Services. Neither the South Carolina Department of Probation, Parole and Pardon Services nor the South Carolina Law Enforcement Division shall allow the applicant to take possession of the application during the recommendation of expungement application process.

(F)(1) The appropriate prosecuting or law enforcement agency may file an objection to the recommendation of expungement with the South Carolina Board of Pardons and Paroles within sixty days of receiving notice of the application. The prosecuting or law enforcement agency's reason for objecting must be that the:

(a) applicant has other charges pending;

(b) prosecuting or law enforcement agency believes that the evidence in the case needs to be preserved; or

(c) applicant's charges were dismissed as a part of a plea agreement.

(2) The prosecuting or law enforcement agency must notify the applicant of the objection in writing at the address listed on the application.

(G) The appropriate victim may file an objection to the recommendation of expungement with the Board of Pardons and Paroles within one year of receiving notice of the application.

(H) If an objection is filed by the prosecuting agency, law enforcement agency, or the victim, the objection must be heard by the South Carolina Board of Pardons and Paroles, acting in a three-member panel or meeting as a full board, and taken into consideration when the

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board is making a determination as to whether to recommend expungement of the applicant's records.

(I) If no objection is filed by the prosecuting agency, law enforcement agency, or the victim, an administrative hearing officer, appointed by the Director of the South Carolina Department of Probation, Parole and Pardon Services, may review the application and submit to the board written findings of fact and recommendations which must be taken into consideration when the board is making a determination as to whether to recommend expungement of the applicant's records.

(J) If the South Carolina Board of Pardons and Paroles, acting in a three-member panel or meeting as a full board, recommends expungement of the applicant's records, three years have passed since the completion of all terms and conditions of the person's sentence, including payment of restitution, and the person has had no other convictions other than minor traffic offenses during the three-year period, the person may apply to the appropriate solicitors office for expungement pursuant to Article 9, Chapter 22, Title 17.

(K)(1) No person may have the person's records expunged pursuant to this section more than once. A person may have the person's record expunged even though the conviction occurred before the effective date of this section but only applies to prospective applications for expungement. A person seeking a pardon of a number of offenses for crimes that were committed at times so closely connected in point of time to the eligible offense may be considered as one offense and shall be treated as a first offense conviction.

(2) After the expungement, the South Carolina Department of Probation, Parole and Pardon Services and the South Carolina Law Enforcement Division shall keep a nonpublic record of the offense and the order of expungement to ensure that no person takes advantage of the rights of this section more than once. The nonpublic record is not subject to release pursuant to Section 34-11-95, the Freedom of Information Act, or any other provision of law except to those authorized law or court officials who need to know the information in order to prevent the rights afforded by this section from being taken advantage of more than once."

SECTION 8. Article 9, Chapter 22, Title 17 of the 1976 Code is amended by adding:

"Section 17-22-960. Any employer that employs a worker who has had an expungement shall not, at any time, be subject to any administrative or legal claim or cause of action related to the worker's



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expunged offense. Employers shall not use expunged information adversely against an employee. No information related to an expungement shall be used or introduced as evidence in any administrative or legal proceeding involving negligent hiring, negligent retention, or similar claims.”

SECTION 9. This act takes effect six months after approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Rep. POPE explained the amendment.

The amendment was then adopted.

Reps. MURPHY and KING proposed the following Amendment No. 2 to H. 3209 (H:\LEGWORK\3209C006.BH.AHB17KRL), which was tabled:

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

/ SECTION \_\_\_\_ . Section 17-22-950 of the 1976 Code, as last amended by Act 255 of 2016, is further amended to read:

“Section 17-22-950. (A) If criminal charges are brought in a summary court, the accused person is found not guilty or the charges are dismissed or nolle prossed, ~~and whether or not~~ the accused person was fingerprinted for the charges, the summary court, at no cost to the accused person, immediately shall issue an order to expunge the criminal records, including any associated bench warrants, of the accused person unless the dismissal of the charges occurs at a preliminary hearing or the accused person has charges pending in summary court and a court of general sessions and the charges arise out of the same course of events. Upon issuance of the order, the summary court shall obtain and verify the presence of all necessary signatures and provide copies of the completed expungement order to all governmental agencies which must receive the order, including, but not limited to, the arresting law enforcement agency; the detention facility or jail; the solicitor’s office; the clerk of court, but only in cases in which the charges were appealed to the circuit court or remanded to the summary court from general sessions court; the summary court where the arrest or bench warrants originated; the summary court that was involved in any way in the criminal process of the charges or bench warrants; and SLED.

~~(B) If criminal charges are brought in a summary court, the accused person is found not guilty or the charges are dismissed or nolle~~

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~~passed, and the person was not fingerprinted for the charges, the accused person may apply to the summary court, at no cost to the accused person, for an order to expunge the criminal records, including any associated bench warrants, of the accused person unless the dismissal of the charges occurs at a preliminary hearing or the accused person has charges pending in summary court and a court of general sessions and the charges arise out of the same course of events. Upon application, and after verification that the charges are appropriate for expungement, the summary court shall issue an order to expunge the criminal records, obtain and verify all necessary signatures, and provide copies of the completed expungement order to the arresting law enforcement agency and all summary courts that were involved in the criminal process of the charges. The summary court is not required to provide copies of the completed expungement order to SLED. Persons subject to the provisions of subsection (A) who were accused of an offense before the effective date of this section requiring an immediate order to expunge criminal records may apply to the appropriate summary court with jurisdiction over the offense for an order expunging their criminal records at any time.~~

(C) An expungement pursuant to this section must occur no sooner than the appeal expiration date and no later than thirty days after the appeal expiration date.

(D) A summary court shall provide a copy of a completed expungement order issued pursuant to this section to the applicant or the applicant's counsel of record. The copy must be certified or marked with the court's raised seal.

(E) Criminal charges must be removed pursuant to this section from all Internet-based public records no later than thirty days from the disposition date, regardless of whether the accused person applies to the summary court for expungement pursuant to subsection (B). All other criminal records must be destroyed or retained pursuant to the provisions of Section 17-1-40.

(F) A prosecution or law enforcement agency may file an objection to a summary court expungement. If an objection is filed, the expungement must be heard by the judge of a general sessions court. The prosecution's or law enforcement agency's reason for objecting must be that the accused person has other charges pending or the charges are not eligible for expungement. The prosecution or law enforcement agency shall notify the accused person of the objection. The notice must be given in writing at the most current address on file with the summary court, or through the accused person's attorney, no later than thirty days after the

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accused person is found not guilty or the accused person's charges are dismissed or nolle prossed.

(G) The Office of Court Administration shall provide uniform application forms to be used for expungements pursuant to this section."/

Renumber sections to conform.

Amend title to conform.

Rep. KING explained the amendment.

Rep. MURPHY spoke against the amendment and moved to table the amendment.

Rep. WILLIAMS demanded the yeas and nays which were taken, resulting as follows:

Yeas 64; Nays 39

Those who voted in the affirmative are:

Allison	Anthony	Arrington
Bales	Ballentine	Bannister
Bennett	Blackwell	Bradley
Burns	Clary	Clemmons
Cogswell	Cole	Collins
Crawford	Crosby	Daning
Davis	Delleney	Duckworth
Elliott	Erickson	Felder
Forrest	Forrester	Fry
Gagnon	Hamilton	Hardee
Henderson	Hewitt	Hill
Hiott	Johnson	Jordan
Loftis	Long	Lowe
Lucas	Martin	McCrary
D. C. Moss	V. S. Moss	Murphy
B. Newton	Pitts	Pope
Putnam	S. Rivers	Ryhal
Sandifer	Simrill	G. R. Smith
Sottile	Tallon	Taylor
Thayer	Toole	West
White	Whitmire	Willis
Yow		

**Total--64**

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Those who voted in the negative are:

Alexander	Anderson	Atkinson
Atwater	Bamberg	Bedingfield
Bernstein	Bowers	Brown
Caskey	Cobb-Hunter	Dillard
Douglas	Finlay	Funderburk
Gilliard	Govan	Hart
Hayes	Henegan	Hosey
Huggins	Jefferson	King
Kirby	Knight	Mack
McKnight	W. Newton	Norrell
Ott	Parks	Ridgeway
M. Rivers	Robinson-Simpson	J. E. Smith
Spires	Wheeler	Williams

**Total--39**

So, the amendment was tabled.

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. PUTNAM a leave of absence for the remainder of the day.

Rep. MCKNIGHT proposed the following Amendment No. 3 to H. 3209 (COUNCIL\AHB\3209C002.BH.AHB17), which was tabled:

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

/ SECTION \_\_. Article 9, Chapter 22, Title 17 of the 1976 Code is amended by adding:

“Section 17-22-970. (A) Notwithstanding another provision of law, after five years for a nonviolent offense and ten years for a violent offense, as defined in Section 16-1-60, if the charge or charges have not been disposed of, a person may apply to the appropriate solicitor’s office with jurisdiction over the offense and request all charges be removed from the person’s public record maintained by the State Law Enforcement Division (SLED).

(B) Upon receiving such application, the solicitor’s office must research whether there was a disposition of the charge within the time frames specified in subsection (A). If the solicitor finds that there has been no disposition of the charge and either five or ten years have passed, as applicable, the solicitor’s office shall provide written notice and

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request that SLED remove the charge or charges from the person's public record maintained by SLED. Upon receipt of the notice from the solicitor's office, SLED immediately must remove the charge from the person's public record. The provisions of Section 17-1-40 regarding retention of a nonpublic record by municipal, county, or state law enforcement agencies apply to records of charges expunged under the provisions of this section. And, this nonpublic record is not subject to release pursuant to Section 34-11-95, Chapter 4, Title 30, the Freedom of Information Act, or any other provision of law.

(C) A fee may not be charged pursuant to the provisions of this article or any other provision of law by the solicitor's office or SLED for researching charges against a person or removing charges from a person's public record pursuant to this section, even if the research shows that there was a disposition of the charge.

(D) No person who has a charge removed from his public record maintained by SLED pursuant to this section may be charged with perjury for later stating that he was never charged with the offense. Removing a charge from a person's public SLED record pursuant to this section is intended to put the person back to the legal status he was in prior to the charge.

(E) Neither a solicitor's office nor SLED, nor any other state or local agency or authority, may be held liable to a person for damages caused by charges that are removed from a person's record pursuant to this section." /

Renumber sections to conform.

Amend title to conform.

Rep. MCKNIGHT explained the amendment.

Rep. MCKNIGHT spoke in favor of the amendment.

Rep. POPE spoke against the amendment.

Rep. TALLON moved to table the amendment.

Rep. MCKNIGHT demanded the yeas and nays which were taken, resulting as follows:

Yeas 66; Nays 34

Those who voted in the affirmative are:

Allison	Atwater	Bales
Ballentine	Bannister	Bedingfield
Blackwell	Burns	Caskey

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Clary	Clemmons	Cogswell
Cole	Collins	Crawford
Crosby	Daning	Davis
Delleney	Duckworth	Elliott
Erickson	Felder	Finlay
Forrest	Forrester	Fry
Funderburk	Gagnon	Hamilton
Henderson	Hewitt	Hill
Hiott	Huggins	Johnson
Jordan	Loftis	Long
Lowe	Lucas	Magnuson
Martin	McCravy	D. C. Moss
V. S. Moss	B. Newton	W. Newton
Pitts	Pope	S. Rivers
Ryhal	Sandifer	Simrill
G. R. Smith	Sottile	Spires
Tallon	Taylor	Thayer
Toole	West	White
Whitmire	Willis	Yow

**Total--66**

Those who voted in the negative are:

Alexander	Anderson	Anthony
Arrington	Atkinson	Bamberg
Bennett	Bernstein	Bowers
Brown	Cobb-Hunter	Dillard
Douglas	Gilliard	Govan
Hayes	Henegan	Hosey
Howard	Jefferson	King
Kirby	Knight	Mack
McKnight	Norrell	Ott
Parks	Ridgeway	M. Rivers
Robinson-Simpson	Rutherford	J. E. Smith
Williams		

**Total--34**

So, the amendment was tabled.

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Rep. G. M. SMITH proposed the following Amendment No. 4 to H. 3209 (COUNCIL\AHB\3209C003.BH.AHB17), which was adopted:

Amend the bill, as and if amended, by deleting SECTION 7 in its entirety.

Renumber sections to conform.

Amend title to conform.

Rep. POPE explained the amendment.

The amendment was then adopted.

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. WILLIS a leave of absence for the remainder of the day.

Rep. MCKNIGHT proposed the following Amendment No. 5 to H. 3209 (COUNCIL\ZW\3209C001.GGS.ZW17), which was tabled:

Amend the bill, as and if amended, as contained in SECTION 7, Page 3209-6 through 3209-9, by striking SECTION 7 in its entirety and inserting:

/ SECTION 7. Article 11, Chapter 21, Title 24 of the 1976 Code is amended by adding:

“Section 24-21-1010. (A)(1) A person who is applying for an order of pardon pursuant to this article may request that the South Carolina Board of Pardons and Paroles recommend the expungement of records for a single offense.

(2) The General Assembly intends for this section to have retroactive effect, and a person who has received an order of pardon for an offense pursuant to this article prior to the effective date of this section may apply to the South Carolina Board of Pardons and Paroles to request that the board recommend the expungement of records for a single offense.

(B) This section does not apply to a person who is applying for an order of pardon or has received an order of pardon for a felony offense defined as a violent crime. For purposes of this section violent crime is defined as any crime listed in Section 16-1-60 but does not include any drug offenses listed in Chapter 53, Title 44.

(C) The applicant shall pay a recommendation of expungement application fee of two hundred dollars, which must be retained by the South Carolina Department of Probation, Parole and Pardon Services and used to defray the costs associated with the expungement process. The fee is nonrefundable, regardless of whether the offense is later

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determined to be ineligible for expungement. If the applicant is applying for an order of pardon and a recommendation of expungement at the same time, the applicant shall pay both the order of pardon application fee and the recommendation of expungement application fee.

(D) The South Carolina Department of Probation, Parole and Pardon Services shall implement policies and procedures consistent with this section to ensure that the recommendation of expungement process is properly conducted. These policies and procedures must include, but are not limited to:

(1) assisting the applicant in completing the recommendation of expungement application;

(2) collecting from the applicant and distributing to the appropriate agencies separate certified checks or money orders for all charges relating to the expungement process;

(3) notifying the appropriate victim of the application pursuant to Section 16-3-1560, and the appropriate prosecuting or law enforcement agency;

(4) coordinating with the South Carolina Law Enforcement Division to confirm that the offense is statutorily appropriate for expungement;

(5) obtaining and verifying the presence of all necessary signatures; and

(6) providing copies of the completed recommendation of expungement to the applicant.

(E) The South Carolina Law Enforcement Division shall verify and document that the offense sought to be expunged is appropriate for expungement. The South Carolina Law Enforcement Division shall receive a twenty-five dollar certified check or money order from the South Carolina Department of Probation, Parole and Pardon Services on behalf of the applicant made payable to the South Carolina Law Enforcement Division. The South Carolina Law Enforcement Division shall forward the necessary documentation back to the South Carolina Department of Probation, Parole and Pardon Services. Neither the South Carolina Department of Probation, Parole and Pardon Services nor the South Carolina Law Enforcement Division shall allow the applicant to take possession of the application during the recommendation of expungement application process.

(F)(1) The appropriate prosecuting or law enforcement agency may file an objection to the recommendation of expungement with the South Carolina Board of Pardons and Paroles at any time during the



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application process. The prosecuting or law enforcement agency's reason for objecting must be that the:

- (a) applicant has other charges pending in any jurisdiction;
- (b) prosecuting or law enforcement agency believes that the evidence in the case needs to be preserved; or
- (c) applicant's charges were reduced as a part of a plea agreement.

(2) The prosecuting or law enforcement agency must notify the applicant of the objection in writing at the address listed on the application.

(G) The appropriate victim may file an objection to the recommendation of expungement with the Board of Pardons and Pardon within one year of receiving notice of the application.

(H) If an objection is filed by the prosecuting agency, law enforcement agency, or the victim, the objection must be heard by the South Carolina Board of Pardons and Pardon, meeting as a full board, and taken into consideration when the board is making a determination as to whether to recommend expungement of the applicant's records.

(I) If no objection is filed by the prosecuting agency, law enforcement agency, or the victim, an administrative hearing officer, appointed by the Director of the South Carolina Department of Probation, Parole and Pardon Services, may review the application and submit to the board written findings of fact and recommendations which must be taken into consideration when the board is making a determination as to whether to recommend expungement of the applicant's records.

(J) If the South Carolina Board of Pardons and Pardon, meeting as a full board, recommends expungement of the applicant's records, three years have passed since the completion of all terms and conditions of the person's sentence, including payment of restitution, and the person has had no other convictions other than minor traffic offenses during the three-year period, the person may apply to the appropriate solicitors office for expungement pursuant to Article 9, Chapter 22, Title 17.

(K)(1) No person may have the person's records expunged pursuant to this section more than once. A person may have the person's record expunged even though the conviction occurred before the effective date of this section but only applies to prospective applications for expungement. A person seeking a pardon of a number of offenses for crimes that were committed at times so closely connected in point of time to the eligible offense may be considered as one offense and shall be treated as a first offense conviction.

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(2) After the expungement, the South Carolina Department of Probation, Parole and Pardon Services and the South Carolina Law Enforcement Division shall keep a nonpublic record of the offense and the order of expungement to ensure that no person takes advantage of the rights of this section more than once. The nonpublic record is not subject to release pursuant to Section 34-11-95, the Freedom of Information Act, or any other provision of law except to those authorized law or court officials who need to know the information in order to prevent the rights afforded by this section from being taken advantage of more than once.” /

Re-number sections to conform.

Amend title to conform.

Rep. RUTHERFORD explained the amendment.

Rep. RUTHERFORD spoke in favor of the amendment.

Rep. TALLON moved to table the amendment.

Rep. RUTHERFORD demanded the yeas and nays which were taken, resulting as follows:

Yeas 51; Nays 49

Those who voted in the affirmative are:

Allison	Arrington	Atwater
Bedingfield	Bennett	Blackwell
Burns	Caskey	Clemmons
Cogswell	Cole	Crawford
Crosby	Daning	Davis
Duckworth	Elliott	Erickson
Felder	Forrester	Fry
Gagnon	Hamilton	Henderson
Hewitt	Hill	Hiott
Johnson	Jordan	Loftis
Long	Lowe	Lucas
Magnuson	Martin	McCrary
D. C. Moss	V. S. Moss	B. Newton
Pitts	Pope	S. Rivers
Sandifer	Simrill	Sottile

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Tallon	Taylor	Thayer
Toole	Whitmire	Yow

**Total--51**

Those who voted in the negative are:

Alexander	Anderson	Anthony
Atkinson	Bales	Ballentine
Bamberg	Bannister	Bernstein
Bowers	Brown	Clary
Cobb-Hunter	Collins	Delleney
Dillard	Douglas	Finlay
Forrest	Funderburk	Gilliard
Govan	Hayes	Henegan
Hosey	Howard	Huggins
Jefferson	King	Kirby
Knight	Mack	McEachern
McKnight	W. Newton	Norrell
Ott	Parks	Ridgeway
M. Rivers	Robinson-Simpson	Rutherford
Ryhal	J. E. Smith	Spires
Thigpen	Wheeler	Whipper
Williams		

**Total--49**

So, the amendment was tabled.

The question then recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 103; Nays 0

Those who voted in the affirmative are:

Alexander	Allison	Anderson
Anthony	Arrington	Atkinson
Atwater	Bales	Ballentine
Bannister	Bedingfield	Bennett
Bernstein	Blackwell	Bowers
Brown	Burns	Caskey
Clary	Clemmons	Cobb-Hunter

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Cogswell	Cole	Collins
Crawford	Crosby	Daning
Davis	Delleney	Dillard
Douglas	Duckworth	Elliott
Erickson	Felder	Finlay
Forrest	Forrester	Fry
Funderburk	Gagnon	Gilliard
Govan	Hamilton	Hayes
Henderson	Henegan	Herbkersman
Hewitt	Hill	Hiott
Hosey	Howard	Huggins
Jefferson	Johnson	Jordan
King	Kirby	Knight
Loftis	Long	Lowe
Lucas	Mack	Magnuson
Martin	McCray	McEachern
McKnight	D. C. Moss	V. S. Moss
B. Newton	W. Newton	Norrell
Ott	Parks	Pitts
Pope	Ridgeway	M. Rivers
S. Rivers	Robinson-Simpson	Rutherford
Ryhal	Sandifer	Simrill
G. R. Smith	J. E. Smith	Sottile
Spires	Tallon	Taylor
Thayer	Thigpen	Toole
West	Wheeler	Whipper
White	Whitmire	Williams
Yow		

**Total--103**

Those who voted in the negative are:

**Total--0**

So, the Bill, as amended, was read the second time and ordered to third reading.

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**H. 3549--DEBATE ADJOURNED**

The following Bill was taken up:

H. 3549 -- Rep. Cobb-Hunter: A BILL TO AMEND SECTION 61-6-120, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO A PERMIT ISSUED FOR ON-PREMISES CONSUMPTION OF ALCOHOLIC LIQUOR IN PROXIMITY TO A CHURCH, SCHOOL, OR PLAYGROUND, SO AS TO PROVIDE THAT THE DECISION-MAKING BODY OF THE LOCAL SCHOOL MUST AFFIRMATIVELY STATE THAT IT DOES NOT OBJECT TO THE ISSUANCE OF A LICENSE.

Rep. COBB-HUNTER moved to adjourn debate on the Bill until Thursday, April 6, which was agreed to.

**H. 3566--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3566 -- Reps. Lowe, Pitts, Jordan, White and Putnam: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 23-23-150 SO AS TO PROVIDE THAT THE LAW ENFORCEMENT TRAINING COUNCIL SHALL DEVELOP GUIDELINES FOR A ONE-WEEK TRAINING PROGRAM OFFERED BY THE CRIMINAL JUSTICE ACADEMY TO SCHOOL FIRST RESPONDERS THAT CERTIFIES THEM TO POSSESS FIREARMS ON SCHOOL PREMISES, AND TO PROVIDE THE CONDITIONS UPON WHICH SCHOOL FIRST RESPONDERS MAY POSSESS FIREARMS ON SCHOOL PREMISES, AND TO PROVIDE FUNDING TO CREATE THIS PROGRAM.

Rep. LOWE proposed the following Amendment No. 2 to H. 3566 (COUNCIL\CM\3566C006.GT.CM17), which was tabled:

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

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

“Section 23-23-150. (A) As contained in this section, ‘school first responder’ means emergency medical service personnel and firefighters qualified under subsection (B), who respond to a school emergency.

(B) The Law Enforcement Training Council shall develop guidelines for a one-week training program that the Criminal Justice

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Academy shall offer to a school first responder that certifies him to possess a firearm on a school premise and establish requirements for recertification which includes firearm proficiency. The program must include:

- (1) shoot/don't shoot training;
- (2) school safety protection training;
- (3) rapid response training;
- (4) identifying and containing potential threats and occurring threats;
- (5) defusing volatile situations and resolving conflict;
- (6) communicating with law enforcement that has jurisdiction over the school;
- (7) first responder first aid; and
- (8) other training that the council considers appropriate.

(C) The first responder is responsible for the costs associated with participating in the program.

(D) A school first responder may possess a firearm on a school premise if he:

- (1) holds a valid concealed weapons permit pursuant to Article 4, Chapter 31, Title 23; and
- (2) has completed the training program contained in subsection (B).

(E) From its fiscal year 2017-2018 appropriations from the General Assembly, the Law Enforcement Training Council shall use nine thousand dollars for the purpose of establishing the program contained in this section.”

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

Rep. LOWE moved to table the amendment, which was agreed to.

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. D. C. MOSS a leave of absence for the remainder of the day.

Rep. LOWE proposed the following Amendment No. 3 to H. 3566 (COUNCIL\CM\3566C006.GT.CM17), which was adopted:

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

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

“Section 23-23-150. (A) As contained in this section, ‘school first responder’ means emergency medical service personnel and firefighters qualified under subsection (B), who respond to a school emergency.

(B) The Law Enforcement Training Council shall develop guidelines for a one-week training program that the Criminal Justice Academy shall offer to a school first responder that certifies him to possess a firearm on a school premise and establish requirements for recertification which includes firearm proficiency. The program must include:

- (1) shoot/don’t shoot training;
- (2) school safety protection training;
- (3) rapid response training;
- (4) identifying and containing potential threats and occurring threats;
- (5) defusing volatile situations and resolving conflict;
- (6) communicating with law enforcement that has jurisdiction over the school;
- (7) first responder first aid; and
- (8) other training that the council considers appropriate.

(C) The first responder is responsible for the costs associated with participating in the program.

(D) A school first responder may possess a firearm on a school premise if he:

- (1) holds a valid concealed weapons permit pursuant to Article 4, Chapter 31, Title 23; and
- (2) has completed the training program contained in subsection (B).

(E) From its fiscal year 2017-2018 appropriations from the General Assembly, the Law Enforcement Training Council shall use nine thousand dollars for the purpose of establishing the program contained in this section.”

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

Rep. LOWE explained the amendment.

Rep. KING moved that the House do now adjourn.

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Rep. LOWE demanded the yeas and nays which were taken, resulting as follows:

Yeas 30; Nays 63

Those who voted in the affirmative are:

Anderson	Bamberg	Bernstein
Bowers	Brown	Cobb-Hunter
Collins	Dillard	Douglas
Funderburk	Gilliard	Govan
Henegan	Hill	Hosey
Howard	Jefferson	King
Mack	Norrell	Parks
Ridgeway	M. Rivers	Robinson-Simpson
Rutherford	J. E. Smith	Thigpen
Toole	Wheeler	Whipper

**Total--30**

Those who voted in the negative are:

Allison	Anthony	Arrington
Atwater	Bales	Ballentine
Bannister	Bedingfield	Blackwell
Burns	Caskey	Clary
Clemmons	Cogswell	Cole
Crawford	Crosby	Daning
Davis	Delleney	Duckworth
Elliott	Erickson	Felder
Finlay	Forrest	Forrester
Fry	Gagnon	Hamilton
Henderson	Herbkersman	Hewitt
Hiott	Huggins	Johnson
Jordan	Kirby	Knight
Loftis	Long	Lowe
Lucas	Magnuson	Martin
McCravy	V. S. Moss	W. Newton
Ott	Pitts	Pope
S. Rivers	Ryhal	Sandifer
Simrill	G. R. Smith	Tallon



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Taylor  
White

Thayer  
Whitmire

West  
Yow

**Total--63**

So, the House refused to adjourn.

**POINT OF ORDER**

Rep. J. E. SMITH raised the Point of Order that H. 3566 was out of order under Rule 5.13 in that a fiscal impact statement was required as it requires expenditures of state funds.

Rep. LOWE responded to the Point and stated that a fiscal impact statement was attached to the Bill.

The SPEAKER overruled the Point of Order and stated that after a review of the Bill, a fiscal impact statement was attached.

**SPEAKER *PRO TEMPORE* IN CHAIR**

Rep. LOWE continued speaking.

Rep. GOVAN spoke against the amendment.

Rep. HOWARD spoke against the amendment.

Rep. TALLON spoke in favor of the amendment.

The amendment was then adopted.

The Committee on Ways and Means proposed the following Amendment No. 1 to H. 3566 (COUNCIL\CM\3566C005.GT.CM17), which was tabled:

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

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

“Section 23-23-150. (A) As contained in this section, ‘school first responder’ means any person, qualified under subsection (B), who responds to a school emergency.

(B) The Law Enforcement Training Council shall develop guidelines for a one-week training program that the Criminal Justice Academy shall offer to a school first responder that certifies him to possess a firearm on a school premise. The program must include:

- (1) shoot/don’t shoot training;
- (2) school safety protection training;
- (3) rapid response training;

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(4) identifying and containing potential threats and occurring threats;

(5) defusing volatile situations and resolving conflict;

(6) communicating with law enforcement that has jurisdiction over the school;

(7) first responder first aid; and

(8) other training that the council considers appropriate.

(C) The first responder is responsible for the costs associated with participating in the program.

(D) A school first responder may possess a firearm on a school premise if he:

(1) holds a valid concealed weapons permit pursuant to Article 4, Chapter 31, Title 23; and

(2) has completed the training program contained in subsection (B).

(E) From its fiscal year 2017-2018 appropriations from the General Assembly, the Law Enforcement Training Council shall use nine thousand dollars for the purpose of establishing the program contained in this section.”

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

Renumber sections to conform.

Amend title to conform.

Rep. LOWE moved to table the amendment, which was agreed to.

The question then recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 80; Nays 8

Those who voted in the affirmative are:

Anderson	Anthony	Arrington
Atkinson	Atwater	Bales
Ballentine	Bamberg	Bannister
Bedingfield	Blackwell	Bowers
Burns	Caskey	Clary
Clemmons	Cole	Collins
Crawford	Crosby	Daning
Davis	Delleney	Douglas
Duckworth	Elliott	Erickson
Felder	Finlay	Forrest

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Forrester	Fry	Funderburk
Gagnon	Govan	Hamilton
Hayes	Henderson	Herbkersman
Hewitt	Hiott	Hosey
Huggins	Johnson	Jordan
King	Kirby	Knight
Loftis	Long	Lowe
Lucas	Magnuson	Martin
McCrary	V. S. Moss	B. Newton
W. Newton	Norrell	Ott
Parks	Pitts	Pope
Ridgeway	S. Rivers	Rutherford
Ryhal	Sandifer	Simrill
G. R. Smith	Tallon	Taylor
Thayer	Thigpen	Toole
West	White	Whitmire
Williams	Yow	

**Total--80**

Those who voted in the negative are:

Brown	Dillard	Gilliard
Hill	Howard	Jefferson
McEachern	M. Rivers	

**Total--8**

So, the Bill, as amended, was read the second time and ordered to third reading.

**H. 3790--DEBATE ADJOURNED**

The following Bill was taken up:

H. 3790 -- Reps. Erickson and Ballentine: A BILL TO AMEND SECTION 44-20-30, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TERMS DEFINED IN THE "SOUTH CAROLINA INTELLECTUAL DISABILITY, RELATED DISABILITIES, HEAD INJURIES, AND SPINAL CORD INJURIES ACT", SO AS TO ADD A DEFINITION FOR "AUTISM SPECTRUM DISORDER"; TO AMEND SECTION 38-71-280, RELATING TO HEALTH INSURANCE COVERAGE FOR AUTISM SPECTRUM

[HJ]

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DISORDER, SO AS TO MAKE CONFORMING CHANGES; AND TO AMEND SECTION 59-21-510, AS AMENDED, RELATING TO SPECIAL EDUCATION PROGRAMS, SO AS TO MAKE CONFORMING CHANGES.

Rep. ERICKSON moved to adjourn debate on the Bill until Thursday, April 6, which was agreed to.

Rep. BALES moved that the House do now adjourn, which was agreed to.

**ADJOURNMENT**

At 7:19 p.m. the House, in accordance with the motion of Rep. BALES, adjourned to meet at 10:00 a.m. tomorrow.

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H. 3559 .....	78	H. 4005 .....	5
H. 3565 .....	81	H. 4033 .....	6
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H. 3790 .....	5, 12, 146	S. 568 .....	5
H. 3793 .....	75	S. 614 .....	1
H. 3809 .....	77	S. 615 .....	2