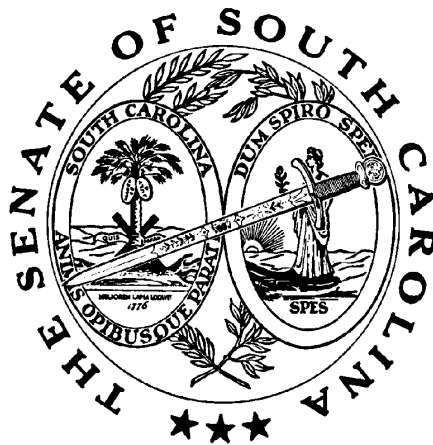


NO. 34

JOURNAL
OF THE
SENATE
OF THE
STATE OF SOUTH CAROLINA



REGULAR SESSION BEGINNING TUESDAY, JANUARY 10, 2023

WEDNESDAY, MARCH 8, 2023

Wednesday, March 8, 2023
(Statewide Session)

~~Indicates Matter Stricken~~

Indicates New Matter

The Senate assembled at 12:15 P.M., the hour to which it stood adjourned, and was called to order by the PRESIDENT.

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

Isaiah 64:8

We recall how Isaiah the prophet proclaimed: “. . .O Lord, you are our Father; we are the clay, you are our potter; we are all the work of your hand.”

Let us pray: It is marvelous, dear God, that Your creation embraces such rich variety. Truly, the world around us blesses and touches us and even at times confounds us by the endless diversity we see and experience. Plus, at the very core of it all, Lord, there remains that most wonderful truth of all: how we humans are all Your children, each one of us. Therefore, in our awareness of this “oneness,” we pray that You, dear God, will lead us to care genuinely for one another and also for this world You have given us. And may that same quality be a hallmark of this Senate and of the efforts of each of these Senators, a reality which will be sure to bring great joy and blessing and hope to all. In Your loving name we pray, Lord. Amen.

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

Committee to Escort

The PRESIDENT appointed Senators CROMER, GOLDFINCH, SENN, ALLEN and FANNING and Representatives Mitchell, Williams, Oremus, Hosey and Schuesster to escort the Honorable Vincent J. Troiola, National Commander of The American Legion, and members of his party to the House of Representatives for the Joint Assembly.

Motion Adopted

On motion of Senator HEMBREE, with unanimous consent, the Senate agreed to stand in recess at the conclusion of the Joint Assembly until 1:30 P.M.

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RECESS

At 12:25 P.M., on motion of Senator MASSEY, the Senate recessed from business for the purpose of attending the Joint Assembly.

Address by the National Commander of The American Legion

The PRESIDENT of the Senate announced that it had convened under the terms of a Concurrent Resolution adopted by both Houses.

S. 550 -- Senator Alexander: A CONCURRENT RESOLUTION TO WELCOME THE NATIONAL COMMANDER OF THE AMERICAN LEGION, VINCENT J. "JIM" TROIOLA, TO SOUTH CAROLINA, AND TO INVITE HIM TO ADDRESS THE GENERAL ASSEMBLY IN JOINT SESSION IN THE CHAMBER OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES AT 12:30 P.M. ON WEDNESDAY, MARCH 8, 2023.

The Honorable Vincent J. Troiola and members of his party were escorted to the rostrum by Senators CROMER, GOLDFINCH, SENN, ALLEN and FANNING and Representatives Mitchell, Williams, Oremus, Hosey and Schuesster. The PRESIDENT of the Senate introduced the Honorable Vincent J. Troiola, National Commander of The American Legion.

Commander Troiola addressed the Joint Assembly.

Ladies, gentlemen, distinguished members of this great Body, it's truly an honor to speak to you today in this historic capitol. Before I begin, please allow me a moment to introduce members of The American Legion Family who are with me today. We have with us the Commander of the South Carolina American Legion, Jim Jarvis of Columbia.

National Executive Committeeman Joe Lysaght of James Island. James Holland, Alternate NEC from Aiken. The department Adjutant Mike Strauss, of North Augusta. The American Legion Auxiliary Department of South Carolina President Pat Ward of Greenville. And, the Sons of The American Legion South Carolina Detachment Commander Ryan Henderson of Charleston.

Ladies and gentlemen -- we have all heard the famous saying that there are two things that are inevitable in life -- death and taxes! Well, that maybe so, but I want to thank this Legislature and Governor McMaster for at least making taxes less burdensome for military retirees and surviving spouses. Thanks to the hard work of the men and women of this Legislature, military pensions are now exempt from South Carolina taxes. This sends exactly the right message to veterans searching for a state to call home after a career of military service.

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Even before the governor signed the Workforce Enhancement and Military Recognition Act on May 13th -- the Palmetto State earned a well-deserved reputation as a welcoming community for America's heroes. South Carolina had already given veterans state employment preferences, education and tuition assistance, vehicle tags, as well as hunting and fishing license privileges. You have also expanded property tax exemptions to include surviving spouses of disabled veterans. Simply put, when it comes to the treatment of veterans, this State gets us.

Moreover, South Carolina is a major contributor to America's military strength, with eight major military installations and numerous smaller facilities within your borders. The annual economic impact of the military community here is estimated to be \$34.3 billion, while translating into more than a quarter-million jobs. You have the tenth highest density of service members in the country and nearly 400,000 veterans call South Carolina "home."

Twenty-three thousand of South Carolina's veterans are Legionnaires, serving local communities through more than 160 posts. But it isn't just veterans and the military who American Legion Families serve. They are awarding scholarships, conducting some of the finest youth programs in the country and educating the next generation of South Carolinians on the importance of patriotism and good citizenship.

On July 11th, a national team from The American Legion met with veterans and VA representatives at Post 130 in Cayce. It was our first System Worth Saving Townhall since before the COVID-19 pandemic.

Included in the visit was a tour of the Columbia VA Medical Center. The VA Health Care System has made some remarkable improvements over the last decade. The American Legion is vigilant to ensure that VA serves veterans as well as veterans have served this country. We will point out VA's mistakes and we will often be loud in doing so. But we also recognize that VA usually provides outstanding care and must be fully funded so veterans can have access to this needed benefit.

Last Wednesday, I testified before a joint session of senators and representatives in the U.S. Congress. I told them that the number one priority of The American Legion is stopping veteran suicide. Every member of this Legislature -- indeed, every American -- can help us with this effort. I have seen estimates that seventeen veterans per day take their own lives. I've seen another study that says it's more than forty. The number is more likely somewhere in between.

Sometimes their military service was overlooked. Other suicides are mistakenly ruled as accidental overdoses. In other words, the statistics

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are all over the place. As far as The American Legion is concerned, the most important number to remember is ONE. As in, Be the One to stop it.

Be the One to discuss a topic that for years went unmentioned in polite society. Be the One to reach out to a veteran who may be struggling. Be the One to encourage the veteran to seek help. Be the One to follow-up with the veteran to let him or her know that they are not forgotten. Be the One to convince a veteran that life is worth living and that suicide is absolutely not an option. In other words, BE THE ONE TO SAVE ONE.

Very few of us are professional therapists which is why we welcome the announcement that as of January 2023, any veteran in suicidal crisis can be seen at any VA or non-VA health care facility free of charge. The veteran does not even have to be enrolled in the VA system for this benefit. It includes up to thirty days of inpatient or ninety days of outpatient care at any VA or non-VA facility.

As elected officials and leaders in your districts, you have a large platform. Please use it to share the new crisis hotline number, 9-8-8.

We need to ensure that 9-8-8 is as widely known as 9-1-1. In fact, a 9-8-8 call today can help prevent a 9-1-1-call tomorrow. For several years now, The American Legion has conducted Buddy Check efforts in which veterans reach out to other veterans to foster friendship and wellness. Peer support works. Thanks to congressional action, I'm pleased to say that this year the U.S. Department of Veterans Affairs will be designating annual Buddy Check weeks nationwide. Veterans value courage. If you can help The American Legion remove the stigma associated with PTSD and depression, and if you can help us make the case that seeking mental wellness is courageous, then my time with you today has been well-spent.

South Carolina not only believes in supporting those who served, but through great institutions like the Citadel -- you are producing tomorrow's defenders of freedom. I am pleased to see that last fall the Citadel welcomed its first cadet-recruits from Ukraine. The American Legion does not support the deployment of U.S. troops to that war-torn nation but we do support arming and assisting the Ukrainian people in their fight for survival. The international community, and especially our allies, must use all diplomatic and economic tools at our collective disposal to stop Russian aggression.

We remain equally concerned with the provocations of Communist China. Every year The American Legion hosts representatives from the Taiwan Veterans Affairs Council at our national convention. I was briefed by senior U.S. military commanders during my visits to Okinawa

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and Hawaii in December. The military and economic threats represented by China and the saber-rattling by North Korea should not just concern the people of the Indo-Pacific region but Americans here in the homeland.

For my friends who believe that we spend too much of our budget on national defense, I encourage you to travel abroad. Visit Korea's demilitarized zone. Attend a Pearl Harbor observance and reflect on what could happen. The American Legion believes that a strong defense is not just wise policy but a constitutionally mandated imperative. We must not jeopardize our readiness through feel-good budgetary cuts.

I just reiterated the many ways in which South Carolina shows its appreciation for veterans. We owe it to the next generation of veterans to ensure that they are always the best-trained, best-equipped and best-armed military force on the planet.

Yesterday, I had the honor of visiting Shaw Air Force Base and Fort Jackson. Though Sumter is a close drive from Columbia, when it comes to housing -- they are worlds apart. While it is the federal government that allocates the housing allowance for members of the military, servicemembers at Shaw receive about \$300 a month less in Basic Housing Allowance than those at Fort Jackson. More concerning is the lack of affordable housing for military members in the Sumter community. If the state were to incentivize landlords to give our military a break on rent, they will find servicemembers make ideal tenants.

Another issue is a lack of affordable daycare. A common complaint that we heard was about the onerous regulatory process that goes with operating a daycare. We all want safety for our children, but cost should go down and options should go up.

The future of the U.S. Army truly runs through this state. Fort Jackson is not just a basic training camp. It conducts the Future Soldier Prep Course, where men and women strengthen their intellectual, physical and nutritional fitness before they even enter basic training. This is designed to overcome shortfalls that may hinder one's ability to pass recruit training.

Fort Jackson is also the home of the U.S. Army's Drill Sergeant Academy. The men and women at this school epitomize leadership. They shoulder the enormous responsibility of creating U.S. soldiers. They do so with great strength, skill, firmness and fairness. When it comes to U.S. military representation in this state, South Carolina should be proud.

While I am here, I would like to extend my congratulations to Jonathan Biering. Jonathan is a senior at Pinopolis High School in Pinopolis, South Carolina. I just saw Jonathan last week in Washington. He is one

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of 10 recipients of a Samsung American Legion Scholarship. It is a well-deserved honor for the young man, who is the great grandson of a Korean War Navy veteran. More than 4,600 high school juniors nationwide applied for the \$10,000 scholarship, which is awarded to students who are descendants of veterans and have met standards of academic excellence and community service. Jonathan is also a graduate of The American Legion Department of South Carolina Boys State program.

Now, if you would allow me for one moment to call to the two members of this distinguished body who have proven that they are not only great lawmakers, but they are advocates for those who have served. They have been designated by The American Legion Department of South Carolina as the Outstanding Members of the Legislature for 2023. They are true friends of veterans and The American Legion.

Senator GEORGE “CHIP” CAMPSSEN III, and Representative Matthew W. Leber, would you please join me?

Congratulations Senator CAMPSSEN and Representative Leber. We appreciate all that you do on behalf of veterans.

Thank you so much, South Carolina Legislature. God bless you, God bless America and God bless South Carolina!

The purposes of the Joint Assembly having been accomplished, the PRESIDENT declared it adjourned, whereupon the Senate returned to its Chamber and was called to order by the PRESIDENT.

At 12:48 P.M., by prior motion of Senator MASSEY, the Senate recessed until 1:30 P.M.

Call of the Senate

Senator PEELER moved that a Call of the Senate be made. The following Senators answered the Call:

Adams	Alexander	Bennett
Campsen	Cash	Corbin
Cromer	Davis	Fanning
Gambrell	Garrett	Goldfinch
Grooms	Gustafson	Hembree
Hutto	<i>Johnson, Michael</i>	Kimbrell
Kimpson	Loftis	Peeler
Rankin	Rice	Senn
Shealy	Stephens	Talley
Turner	Verdin	Williams

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Young

A quorum being present, the Senate resumed.

Motion Adopted

On motion of Senator GROOMS, with unanimous consent, Senators HUTTO, CAMPSER, ADAMS and RANKIN were granted leave to attend a subcommittee meeting and were granted leave to vote from the balcony.

Doctor of the Day

Senator KIMBRELL introduced Dr. Matthew Cannon of Spartanburg, S.C., Doctor of the Day.

Leave of Absence

On motion of Senator HEMBREE, at 2:18 P.M., Senator MASSEY was granted a leave of absence for today.

Leave of Absence

At 2:52 P.M., Senator GROOMS requested a leave of absence at 4:00 P.M.

Expression of Personal Interest

Senator SENN rose for an Expression of Personal Interest.

Expression of Personal Interest

Senator SABB rose for an Expression of Personal Interest.

Remarks to be Printed

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

CO-SPONSORS ADDED

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

S. 138 Sen. Stephens
S. 143 Sens. Hutto and Jackson
S. 285 Sen. Gustafson
S. 299 Sens. Hutto and Jackson
S. 302 Sen. Williams
S. 436 Sen. Young

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S. 522 Sen. Williams
S. 533 Sen. Fanning
S. 557 Sen. Loftis
S. 569 Sen. Young
S. 581 Sen. McElveen
S. 589 Sen. Hutto
S. 602 Sen. Hutto

RECALLED

S. 480 -- Senator Fanning: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF PINE AVENUE IN THE TOWN OF GREAT FALLS IN CHESTER COUNTY, FROM ITS INTERSECTION WITH PROSPECT STREET TO ITS INTERSECTION WITH DEARBORN STREET THROUGH CIRCLE ROAD, "TORREY CRAIG HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY CONTAINING THESE WORDS.

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

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

RECALLED

S. 589 -- Senators Stephens and Hutto: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF HOMESTEAD ROAD IN ORANGEBURG COUNTY FROM COW CASTLE CREEK TO ITS INTERSECTION WITH STATE ROAD 38-168 "WEATHERS FAMILY HIGHWAY" AND ERECT APPROPRIATE SIGNS OR MARKERS ALONG THIS PORTION OF HIGHWAY CONTAINING THESE WORDS.

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

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

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RECALLED

H. 3876 -- Rep. Atkinson: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF SOUTH CAROLINA HIGHWAY 576 IN MARION COUNTY FROM ITS INTERSECTION WITH UNITED STATES HIGHWAY 76 TO ITS INTERSECTION WITH UNITED STATES HIGHWAY 501 "DOUGLAS MCROY WIGGINS MEMORIAL HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY CONTAINING THESE WORDS.

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

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

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 607 -- Senator Rice: A SENATE RESOLUTION TO RECOGNIZE AND HONOR MR. THOMAS H. WRIGHT, SR. FOR HIS TIME AS COUNCILMAN FOR THE CITY OF EASLEY AND FOR HIS SERVICE TO THE PEOPLE AND THE STATE OF SOUTH CAROLINA.

sr-0317km-hw23.docx : 9f512b39-5638-4cc5-a129-f3ad49bdab8c

The Senate Resolution was adopted.

S. 608 -- Senators Gambrell and Cash: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR THE BELTON-HONEA PATH HIGH SCHOOL CHEERLEADING SQUAD, COACHES, AND SCHOOL OFFICIALS FOR A REMARKABLE SEASON AND TO CONGRATULATE THEM FOR WINNING THE 2022 SOUTH CAROLINA CLASS AAA STATE CHAMPIONSHIP TITLE.

lc-0166hdb-gm23.docx : 6249ba78-da33-4a77-b84a-27995adcdb00

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

S. 609 -- Senator Alexander: A CONCURRENT RESOLUTION TO WELCOME LIONS CLUBS INTERNATIONAL DIRECTOR RON KELLER TO THE PALMETTO STATE ON THE OCCASION OF

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THE 98TH ANNUAL SOUTH CAROLINA LIONS MULTIPLE DISTRICT 32 STATE CONVENTION AND TO HONOR THE LIONS CLUBS FOR THEIR MANY YEARS OF COMMUNITY SERVICE.

lc-0263sa-rm23.docx : b88eb041-d6a4-411a-b726-947aec3e4072

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

S. 610 -- Senator Cromer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "PROFESSIONAL COUNSELING COMPACT ACT" BY ADDING ARTICLE 6 TO CHAPTER 75, TITLE 40 SO AS TO PROVIDE THE PURPOSE, FUNCTIONS, OPERATIONS, AND DEFINITIONS FOR THE COMPACT.

lc-0166wab23.docx : 3cffb87c-77aa-44df-bc05-fb67609574c5

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

S. 611 -- Senator Climer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 56-36-10 SO AS TO CREATE THE PEER-TO-PEER CAR SHARING ACT; BY ADDING SECTION 56-36-20 SO AS TO PROVIDE DEFINITIONS; BY ADDING SECTION 56-36-30 SO AS TO PROVIDE FOR LIABILITY, INSURANCE REQUIREMENTS, AND DEFINE EXCEPTIONS; BY ADDING SECTION 56-36-40 SO AS TO PROVIDE REQUIREMENTS FOR RECORD KEEPING, SAFETY RECALL REPAIRS, AND INSURANCE COVERAGE; BY ADDING SECTION 56-36-50 SO AS TO PROVIDE THE LIMITS OF THE TRANSACTION FOR PURPOSES OF SALES TAX; BY ADDING SECTION 56-36-60 SO AS TO PROVIDE FOR PROMULGATION OF REGULATIONS.

sr-0029jg23.docx : ec92dea1-b5b5-4993-9fe7-f24ca3d465f4

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

S. 612 -- Senator Shealy: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 63-7-10, RELATING TO THE PURPOSE OF THE SOUTH CAROLINA CHILDREN'S CODE, SO AS TO PROVIDE CHILD WELFARE SERVICE PRINCIPLES; AND BY AMENDING SECTION 63-7-920, RELATING TO INVESTIGATIONS AND CASE DETERMINATION, SO AS TO PROVIDE GUIDELINES FOR INVESTIGATION AND REPORTING IN THE CASE OF A REPORT OF SUSPECTED CHILD ABUSE OR NEGLECT.

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sr-0073jg23.docx : 363815ff-fa64-44e2-90ed-ef5cb5041d4d

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

S. 613 -- Senator Shealy: A SENATE RESOLUTION TO RECOGNIZE MARCH 13-17, 2023 AS "CHILD AND ADULT CARE FOOD PROGRAM WEEK" IN SOUTH CAROLINA.

sr-0320km-hw23.docx : c58db130-a1e2-4909-8b27-1306e1351915

The Senate Resolution was adopted.

S. 614 -- Senator Fanning: A SENATE RESOLUTION TO RECOGNIZE AND COMMEND THE HONORABLE DONALD PRIOLEAU, SR., MAYOR PRO TEM OF THE TOWN OF RIDGEWAY, FOR HIS MANY YEARS OF DEDICATED PUBLIC AND COMMUNITY SERVICE AND TO WISH HIM MUCH SUCCESS AND FULFILLMENT IN ALL HIS FUTURE ENDEAVORS.

lc-0258cm-rm23.docx : 16c31ac3-e8ee-48d8-ac04-44b223c21a43

The Senate Resolution was adopted.

H. 3204 -- Rep. Erickson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 40-55-420, RELATING TO PSYPACT DISPUTE RESOLUTION, SO AS TO PROVIDE FOR THE UNITED STATES DISTRICT COURT OF GEORGIA TO RESOLVE DISPUTES.

lc-0022vr23.docx : 05335381-bbae-4fff-974a-57dde62586f7

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

H. 3750 -- Reps. Erickson, Alexander, Kirby, Robbins, Brewer, Rivers, Bradley, W. Newton, Hager, Ballentine, Elliott, Caskey, Wooten, Wetmore, Bannister, Herbkersman and Willis: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 11-35-710, RELATING TO EXEMPTIONS FROM THE STATE PROCUREMENT CODE, SO AS TO ADD PLANNING FOR REPAIRS TO BRIDGES, HIGHWAYS, ROADS, AND OTHER IMPROVEMENTS ON THE STATE'S RIGHTS OF WAY TO THE LIST OF EXEMPTIONS AND TO PROVIDE CERTAIN EXCEPTIONS.

lc-0165sa23.docx : 06e6e2ba-c153-48c0-b4e2-2fd39325d06e

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

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H. 3866 -- Rep. Rutherford: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 1-7-95 SO AS TO CLARIFY THAT, WHEN THE ATTORNEY GENERAL PROCEEDS IN THE PUBLIC INTEREST, THE ATTORNEY GENERAL DOES NOT UNDERTAKE REPRESENTATION OF STATE AGENCIES AND CANNOT BE CONSIDERED TO HAVE POSSESSION, CUSTODY, OR CONTROL OVER STATE AGENCY DOCUMENTS OR ELECTRONICALLY STORED INFORMATION; AND BY ADDING SECTION 39-5-55 SO AS TO SPECIFY THAT THE ATTORNEY GENERAL IS ACTING IN THE PUBLIC INTEREST OF THE STATE IN UNFAIR TRADE PRACTICE PROCEEDINGS, AND TO PROVIDE AN EXCEPTION.

lc-0136dg23.docx : 29c304cc-cd83-42b5-87c9-c4aa0dcb2463

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

H. 3905 -- Reps. Hixon and Clyburn: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 6-13-920, RELATING TO THE EDGEFIELD COUNTY WATER AND SEWER AUTHORITY, SO AS TO PROVIDE FOR FILLING A BOARD VACANCY FOR PHYSICAL OR MENTAL INCAPACITATION OR NONATTENDANCE; AND BY AMENDING SECTION 6-13-1010, RELATING TO PENALTIES FOR INJURING OR DESTROYING FACILITIES OF THE EDGEFIELD COUNTY WATER AND SEWER AUTHORITY, SO AS TO INCREASE PENALTIES.

lc-0135ph23.docx : 1e825ef7-309e-4a88-ba9a-8fb008347f09

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

H. 4098 -- Reps. Bauer, Gibson, Kirby, Robbins, J. L. Johnson, Bradley, Brewer, Haddon, S. Jones, Gilliam, Erickson, Burns, King, B. L. Cox, Guffey, Alexander, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Beach, Bernstein, Blackwell, Brittain, Bustos, Calhoon, Carter, Caskey, Chapman, Chumley, Clyburn, Cobb-Hunter, Collins, Connell, B. J. Cox, Crawford, Cromer, Davis, Dillard, Elliott, Felder, Forrest, Gagnon, Garvin, Gatch, Gilliard, Guest, Hager, Hardee, Harris, Hart, Hartnett, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hiott, Hixon, Hosey, Howard, Hyde, Jefferson, J. E. Johnson, W. Jones, Jordan, Kilmartin, Landing, Lawson, Leber, Ligon, Long, Lowe, Magnuson, May, McCabe, McCravy, McDaniel, McGinnis, Mitchell, J. Moore, T. Moore, A. M. Morgan, T. A. Morgan, Moss, Murphy, Neese, B. Newton, W. Newton, Nutt, O'Neal, Oremus,

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Ott, Pace, Pedalino, Pendarvis, Pope, Rivers, Rose, Rutherford, Sandifer, Schuessler, Sessions, G. M. Smith, M. M. Smith, Stavrinakis, Taylor, Tedder, Thayer, Thigpen, Trantham, Vaughan, Weeks, West, Wetmore, Wheeler, White, Whitmire, Williams, Willis, Wooten and Yow: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR IRISH AMERICANS WHOSE FAMILIES MADE AMERICA THEIR HOME AND TO CELEBRATE SAINT PATRICK'S DAY WITH THEM ON MARCH 17, 2023.

lc-0217ph-gm23.docx : bb39beac-0fd4-4122-97d9-4489878b21da

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

REPORTS OF STANDING COMMITTEES

Senator SHEALY from the Committee on Family and Veterans' Services submitted a favorable report on:

S. 440 -- Senators Corbin, Shealy, Talley, Gambrell, Goldfinch, Climer, Loftis, Gustafson, Cromer, Cash, Rice, Adams and Verdin: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS SO AS TO ENACT THE "SECOND AMENDMENT PROTECTION ACT"; AND BY ADDING SECTION 25-1-80 SO AS TO PROVIDE FOR THE DUTIES AND RESPONSIBILITIES OF THE UNORGANIZED MILITIA.

Ordered for consideration tomorrow.

Senator SHEALY from the Committee on Family and Veterans' Services submitted a favorable report on:

S. 569 -- Senators Shealy, Alexander, Peeler, Garrett, Gambrell, Kimbrell and Young: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 44-36-320, RELATING TO THE DUTIES OF THE ALZHEIMER'S DISEASE AND RELATED DISORDERS RESOURCE COORDINATION CENTER SO AS TO ADD TO THE CENTER'S DUTIES CONCERNING THE STATEWIDE PLAN TO ADDRESS ALZHEIMER'S DISEASE AND RELATED DEMENTIAS; BY AMENDING SECTION 44-36-330, RELATING TO THE ADVISORY COUNCIL TO THE ALZHEIMER'S DISEASE AND RELATED DISORDERS RESOURCE COORDINATION CENTER SO AS TO PROVIDE THAT THE ADVISORY COUNCIL MUST DEVELOP A STATEWIDE PLAN TO ADDRESS ALZHEIMER'S DISEASE AND RELATED DEMENTIAS AND TO PROVIDE THAT THE STATEWIDE PLAN MUST BE UPDATED EVERY FIVE YEARS;

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AND TO PROVIDE THAT THE STATEWIDE PLAN MUST BE UPDATED IN 2028 AND EVERY FIVE YEARS THEREAFTER.

Ordered for consideration tomorrow.

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

S. 604 -- Senators Peeler, Alexander and Setzler: A JOINT RESOLUTION TO AUTHORIZE THE EXPENDITURE OF FEDERAL FUNDS DISBURSED TO THE STATE IN THE AMERICAN RESCUE PLAN ACT OF 2021, AND TO SPECIFY THE MANNER IN WHICH THE FUNDS MAY BE EXPENDED.

Ordered for consideration tomorrow.

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

H. 3604 -- Reps. Bannister, G.M. Smith and Murphy: A JOINT RESOLUTION TO AUTHORIZE THE EXPENDITURE OF FUNDS FROM THE CONTINGENCY RESERVE FUND FOR ECONOMIC DEVELOPMENT PROJECTS AND FEDERAL FUNDS DISBURSED TO THE STATE IN THE AMERICAN RESCUE PLAN ACT OF 2021, AND TO SPECIFY THE MANNER IN WHICH THE FUNDS MAY BE EXPENDED.

Ordered for consideration tomorrow.

Appointments Reported

Senator SHEALY from the Committee on Family and Veterans' Services submitted a favorable report on:

Statewide Appointments

Initial Appointment, South Carolina Commission for the Blind, with the term to commence May 19, 2021, and to expire May 19, 2025

2nd Congressional District

Daniel P. Hanfland, 105 Woodcock Trail, West Columbia, SC 29169
VICE Judith E. Johnson

Received as information.

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Initial Appointment, South Carolina Commission for the Blind, with the term to commence May 19, 2022, and to expire May 19, 2026

1st Congressional District:

Ronald L. Coleman, 214 Calhoun Street, Apt. 2, Charleston, SC 29401-1315 *VICE* Mr. Peter Smith

Received as information.

Initial Appointment, South Carolina Department of Veterans' Affairs, with term coterminous with Governor

Secretary:

Todd B. McCaffrey, 3908 Kilbourne Road, Columbia, SC 29205
VICE Major General William F. Grimsley

Received as information.

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

OBJECTION

S. 36 -- Senators Hutto, Young, Campsen and Grooms: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING VARIOUS SECTIONS WITHIN CHAPTER 1, TITLE 56, TO RESTRUCTURE THE IGNITION INTERLOCK DEVICES PROGRAM. (ABBREVIATED TITLE)

Senator MALLOY objected to consideration of the Bill.

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

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

S. 448 -- Senator Hutto: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56-1-1100, RELATING TO HABITUAL OFFENDER PENALTIES, SO AS TO PROVIDE AN EXCEPTION FOR DRIVING A MOPED FOR A PERSON DECLARED AN HABITUAL OFFENDER, AND TO REMOVE THE REQUIREMENT THAT THE DEPARTMENT OF MOTOR VEHICLES PROVIDES SPECIFIC NOTICE TO THE ATTORNEY GENERAL OR THE APPROPRIATE SOLICITOR OF ANY VIOLATIONS OF THIS SECTION.

The Senate proceeded to the consideration of the Bill.

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

Ayes 40; Nays 0

AYES

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

Total--40

NAYS

Total--0

The Bill was read the third time, passed and ordered sent to the House.

S. 436 -- Senators Scott, Jackson, Sabb, Malloy, Allen, Hutto, Adams, McElveen, McLeod, K. Johnson, M. Johnson, Kimbrell, Davis, Rice, Williams, Garrett, Stephens, Campsen and Young: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 31-1-900, SO AS TO ESTABLISH THE HEIRS' PROPERTY COMMISSION TO ADDRESS THE LEGAL AND ECONOMIC ISSUES ASSOCIATED WITH HEIRS' PROPERTY, TO PROVIDE FOR MEMBERSHIP OF THE COMMISSION, TO PROVIDE FOR REPORTING REQUIREMENTS OF THE COMMISSION, AND TO PROVIDE FOR THE EXECUTIVE DIRECTOR OF THE SOUTH CAROLINA STATE HOUSING FINANCE AND DEVELOPMENT AUTHORITY TO CHAIR THE COMMISSION AND FOR THE AGENCY TO PROVIDE ADMINISTRATIVE SUPPORT TO THE COMMISSION.

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**COMMITTEE AMENDMENT ADOPTED
AMENDED, CARRIED OVER**

S. 418 -- Senators Hembree, Turner and Gustafson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-155-180, RELATING TO PRE-SERVICE AND IN-SERVICE TEACHER EDUCATION PROGRAMS, SO AS TO UPDATE THE ENDORSEMENT REQUIREMENTS OF READ TO SUCCEED.

The Senate proceeded to the consideration of the Bill.

The Committee on Education proposed the following amendment (SEDU-418.DB0001S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 59-155-180(C)(3), (4), and (5) and inserting:

(3) The reading coach must not be assigned a regular classroom teaching assignment, must not perform administrative functions that deter from the flow of improving reading instruction and reading performance of students and must not devote a significant portion of his or her time to administering or coordinating assessments. By August 1, 2014, the department must publish guidelines that define the minimum qualifications for a reading coach. Beginning in Fiscal Year 2014-2015, reading/literacy coaches are required to earn the ~~add-on~~ certification within six years, except as exempted in items (4) and (5), by completing the necessary courses or professional development as required by the department ~~for the add-on~~. During the six-year period, to increase the number of qualified reading coaches, the Read to Succeed Office shall identify and secure courses and professional development opportunities to assist educators in becoming reading coaches and in earning the literacy ~~add-on~~ endorsement. In addition, the Read to Succeed Office will establish a process through which a district may be permitted to use state appropriations for reading coaches to obtain in-school services from department-approved consultants or vendors, in the event that the school is not successful in identifying and directly employing a qualified candidate. Districts must provide to the Read to Succeed Office information on the name and qualifications of reading coaches funded by the state appropriations.

~~(4) Beginning in Fiscal Year 2015-2016, early childhood and elementary education certified classroom teachers, reading interventionists, and those special education teachers who provide learning disability and speech services to students who need to substantially improve their low reading and writing proficiency skills;~~

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~~are required to earn the literacy teacher add-on endorsement within ten years of their most recent certification by taking at least two courses or six credit hours every five years, or the equivalent professional development hours as determined by the South Carolina Read to Succeed Office, consistent with existing recertification requirements. Inservice hours earned through professional development for the literacy teacher endorsement must be used for renewal of teaching certificates in all subject areas. The courses and professional development leading to the endorsement must be approved by the State Board of Education and must include foundations, assessment, content area reading and writing, instructional strategies, and an embedded or stand-alone practicum. Whenever possible these courses shall be offered at a professional development rate which is lower than the certified teacher rate. Early childhood and elementary education certified classroom teachers, reading specialists, and special education teachers who provide learning disability and speech services to students who need to improve substantially their reading and writing proficiency and who already possess their add-on reading teacher certification can take a content area reading course to obtain their literacy teacher add-on endorsement. Individuals who possess a literacy teacher add-on endorsement or who have earned a master's or doctorate degree in reading are exempt from this requirement. Individuals who have completed an intensive and prolonged professional development program like Reading Recovery, Project Read, the South Carolina Reading Initiative, or another similar program should submit their transcripts to the Office of Educator Licensure to determine if they have completed the coursework required for the literacy teacher add-on certificate. The board is authorized to approve guidelines on an annual basis for professional development, coursework, certification, and endorsement requirements for teachers of early childhood and elementary education, including special education teachers, interventionists, reading specialists, and administrators, whose responsibilities, either directly or indirectly, substantially relate to reading and literacy instruction, support, or interventions as provided in this section. The guidelines approved by the board shall also include the issuance of appropriate credit to individuals who have completed an intensive and prolonged professional development program. Local school districts, working with the department, shall offer the required professional development, coursework, certification, and endorsements at no charge to educators. Inservice hours earned through professional development must be used for renewal of teaching certificates in all~~

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subject areas. The total number of hours required shall not exceed 60 of the 120 hours required during a teacher's five-year recertification cycle.

~~(5) Beginning in Fiscal Year 2015-2016, middle and secondary licensed classroom teachers are required to take at least one course or three credit hours, or the equivalent professional development hours as determined by the South Carolina Read to Succeed Office, to improve reading instruction within five years of their most recent certification. The courses and professional development must be approved by the State Board of Education and include courses and professional development leading to the literacy teacher add-on endorsement. Coursework and professional development in reading must include a course in reading in the content areas. Whenever possible these courses will be offered at a professional development rate which is lower than the certified teacher rate. Individuals who possess a literacy teacher add-on endorsement or who have earned a master's or doctorate degree in reading are exempt from this requirement. Individuals who have completed an intensive, prolonged professional development program like Reading Recovery, Project Read, the South Carolina Reading Initiative, or another similar program should submit their transcripts to the Office of Educator Licensure to determine if they have completed the coursework or professional development required for the literacy teacher add-on certificate. Beginning September 1, 2024, early childhood, elementary, and special education teacher candidates seeking their initial certification in South Carolina must earn a passing score on a rigorous test of scientifically research-based reading instruction and intervention and data-based decision-making principles as approved by the board. The objective of this item is to ensure that teacher candidates understand the foundations of reading and are prepared to teach reading to all students.~~

Amend the bill further, SECTION 1, by striking Section 59-155-180(C)(7) and (8) and inserting:

~~(7) The Read to Succeed Office shall publish by August 1, 2014, the guidelines and procedures used in evaluating all courses and professional development, including virtual courses and professional development, leading to the literacy teacher add-on endorsement. Annually by January first, the Read to Succeed Office shall publish the approved courses and approved professional development leading to the literacy teacher add-on endorsement. Teachers, administrators, and other certified faculty and staff are exempt from having to earn the literacy endorsement to maintain certification only if they are not educating or serving students in a school or other educational setting. The literacy endorsement must be earned before an individual who was previously~~

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exempt pursuant to this item returns to a position where they educate or otherwise serve students.

(8) Annually by August first, the department shall publish the guidelines and procedures used in evaluating all courses and professional development, including virtual courses and professional development, leading to the literacy teacher endorsement. Annually by January first, the department shall publish the approved courses and approved professional development leading to the literacy teacher endorsement.

Renumber sections to conform.

Amend title to conform.

Senator HEMBREE explained the amendment.

The amendment was adopted.

Senators YOUNG and FANNING proposed the following amendment (LC-418.DG0003S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 59-155-180(C)(5) and inserting:

~~(5) Beginning in Fiscal Year 2015-2016, middle and secondary licensed classroom teachers are required to take at least one course or three credit hours, or the equivalent professional development hours as determined by the South Carolina Read to Succeed Office, to improve reading instruction within five years of their most recent certification. The courses and professional development must be approved by the State Board of Education and include courses and professional development leading to the literacy teacher add-on endorsement. Coursework and professional development in reading must include a course in reading in the content areas. Whenever possible these courses will be offered at a professional development rate which is lower than the certified teacher rate. Individuals who possess a literacy teacher add-on endorsement or who have earned a master's or doctorate degree in reading are exempt from this requirement. Individuals who have completed an intensive, prolonged professional development program like Reading Recovery, Project Read, the South Carolina Reading Initiative, or another similar program should submit their transcripts to the Office of Educator Licensure to determine if they have completed the coursework or professional development required for the literacy teacher add-on certificate. Beginning September 1, 2024, early childhood, elementary, and special education teacher candidates seeking their initial certification in South Carolina must earn a passing score on a rigorous test of~~

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scientifically research-based reading instruction and intervention and data-based decision-making principles as approved by the board. The board shall ensure candidates seeking their initial certificate in elementary education are not required to take an additional number of assessments. The objective of this item is to ensure that teacher candidates understand the foundations of reading and are prepared to teach reading to all students.

Renumber sections to conform.

Amend title to conform.

Senator YOUNG explained the amendment.

The amendment was adopted.

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

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

CARRIED OVER

S. 314 -- Senator Talley: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59-157-10 SO AS TO PROVIDE CHAPTER DEFINITIONS; BY ADDING SECTION 59-157-30 SO AS TO REQUIRE CERTAIN PERMANENT IMPROVEMENT PROJECTS OVER THRESHOLD AMOUNTS FOR HIGHER INSTITUTIONS TO BE SUBMITTED FOR REVIEW TO THE COMMISSION ON HIGHER EDUCATION AND JOINT BOND REVIEW COMMITTEE AND THE STATE FISCAL ACCOUNTABILITY AUTHORITY FOR APPROVAL AFTER FULL ARCHITECTURE AND ENGINEERING DESIGN WORK IS COMPLETED BUT PRIOR TO THE EXECUTION OF A CONSTRUCTION CONTRACT, TO ALLOW THE CHAIRMAN OF JOINT BOND REVIEW COMMITTEE TO REQUEST A REVIEW AND COMMENT ON ANY OTHER PERMANENT IMPROVEMENT PROJECT; BY ADDING SECTION 59-157-40 SO AS TO EXEMPT CERTAIN HIGHER EDUCATION PERMANENT IMPROVEMENT PROJECTS FROM THE REQUIREMENTS OF SECTION 2-47-50 AND TO REQUIRE THE GOVERNING BOARDS TO REPORT ANNUALLY TO THE COMMISSION ON HIGHER EDUCATION, THE JOINT BOND REVIEW COMMITTEE, AND THE STATE FISCAL ACCOUNTABILITY AUTHORITY OF ALL PROJECTS APPROVED; BY ADDING SECTION 59-157-50 SO AS TO

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REQUIRE THE BOARD OF TRUSTEES TO PROVIDE ON AN ANNUAL BASIS A REPORT OF PROPERTY ACQUIRED AND ANY CAPITAL PROJECTS THAT ARE EXEMPT BY OPERATION OF SECTION 59-157-40.

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

AMENDED, READ THE SECOND TIME

S. 138 -- Senators McElveen, Senn, Cromer, Loftis and Stephens: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-149-50, RELATING TO GRADE POINT AVERAGE REQUIREMENTS FOR LIFE SCHOLARSHIP ELIGIBILITY AND RETENTION, SO AS TO PROVIDE A STUDENT WHO BECOMES ELIGIBLE FOR A LIFE SCHOLARSHIP MAY NOT SUBSEQUENTLY BECOME INELIGIBLE FOR RETENTION OF THE SCHOLARSHIP BASED ON A GRADE IN A DUAL ENROLLMENT CLASS.

The Senate proceeded to the consideration of the Bill.

Senators MALLOY and McELVEEN proposed the following amendment (SMIN-138.AA0004S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 59-149-50(B) and inserting:

(B) Students receiving a LIFE Scholarship to retain it and students currently enrolled in an eligible institution to receive such a scholarship must earn a 3.0 cumulative grade point average on a 4.0 scale and earn at least thirty credit hours each year for the maximum of semesters permitted at that institution by Section 59-149-60. The cumulative grade point average calculation, for purposes of LIFE scholarship eligibility, must be inclusive of the student's grade point average at all public or independent institutions attended by the student. Beginning with the 2023 high school graduating class, a grade in a dual enrollment class shall not prevent a student from retaining their LIFE scholarship for their second year.

Renumber sections to conform.

Amend title to conform.

Senator MALLOY explained the amendment.

Senator McELVEEN spoke on the amendment.

The amendment was adopted.

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The question then being second reading of the Bill.

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

Ayes 42; Nays 0

AYES

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

Total--42

NAYS

Total--0

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

CARRIED OVER

S. 142 -- Senators Shealy, Gustafson, Goldfinch, Hutto, Jackson, Campsen, McLeod and Setzler: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 16-3-2010, RELATING TO THE DEFINITION OF "SEX TRAFFICKING", SO AS TO EXPAND THE DEFINITION TO INCLUDE SEXUAL EXPLOITATION OF A MINOR AND PROMOTING OR PARTICIPATING IN PROSTITUTION OF A MINOR; AND BY AMENDING SECTION 16-3-2020, RELATING TO TRAFFICKING IN PERSONS, PENALTIES, MINOR VICTIMS AND DEFENSES, SO AS TO PROVIDE THAT A SEX TRAFFICKING VICTIM MAY

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RAISE DURESS AND COERCION AS AN AFFIRMATIVE DEFENSE TO NONVIOLENT OFFENSES COMMITTED AS A DIRECT RESULT OR INCIDENT TO THE TRAFFICKING, TO PROVIDE THAT A MINOR SEX TRAFFICKING VICTIM MAY NOT BE CONVICTED FOR NONVIOLENT OFFENSES COMMITTED AS A DIRECT RESULT OR INCIDENT TO THE TRAFFICKING, AND TO PROVIDE THAT A MINOR SEX TRAFFICKING VICTIM CANNOT BE FOUND IN VIOLATION OF OR BE THE SUBJECT OF A DELINQUENCY PETITION IF THE MINOR'S CONDUCT WAS A DIRECT RESULT OF OR INCIDENTAL TO OR RELATED TO TRAFFICKING; AND SO AS TO PROVIDE THAT THE PROVISIONS IN THIS ACT ARE RETROACTIVE.

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

CARRIED OVER

S. 143 -- Senators Shealy, Goldfinch, Senn, McLeod, Hutto and Jackson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 20-4-20, RELATING TO DEFINITIONS, SO AS TO DEFINE A HOUSEHOLD MEMBER AND TO DEFINE A DATING RELATIONSHIP; AND BY AMENDING SECTION 20-4-40, RELATING TO PETITION FOR ORDER OF PROTECTION, SO AS TO DESIGNATE PEOPLE WHO CAN APPLY FOR AN ORDER OF PROTECTION ON BEHALF OF A MINOR.

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

CARRIED OVER

S. 145 -- Senators Shealy, Goldfinch, Hutto, Jackson, Campsen and McLeod: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 16-15-90, RELATING TO PROSTITUTION, LEWDNESS, ASSIGNATION, AND PROSTITUTION GENERALLY, SO AS TO INCREASE THE PENALTIES FOR SOLICITATION OF PROSTITUTION, ESTABLISHING OR KEEPING A BROTHEL OR HOUSE OF PROSTITUTION, OR CAUSING OR INDUCING ANOTHER TO PARTICIPATE IN PROSTITUTION, TO ESTABLISH THE AFFIRMATIVE DEFENSE OF BEING A VICTIM OF HUMAN TRAFFICKING, AND TO INCREASE THE PENALTIES FOR SOLICITING, CAUSING, OR INDUCING ANOTHER FOR OR INTO PROSTITUTION IF THE PROSTITUTE HAS A MENTAL

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DISABILITY; AND BY REPEALING SECTION 16-15-100, RELATING TO PROSTITUTION, FURTHER UNLAWFUL ACTS.

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

CARRIED OVER

S. 147 -- Senators Shealy, Gustafson, Senn, Goldfinch and Campsen: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 16-25-130 SO AS TO ESTABLISH THE ADDRESS CONFIDENTIALITY PROGRAM WHEREBY A VICTIM OF DOMESTIC VIOLENCE, DATING VIOLENCE, HUMAN TRAFFICKING, STALKING, HARASSMENT, OR SEXUAL OFFENSES MAY USE A DESIGNATED ADDRESS RATHER THAN HIS RESIDENTIAL ADDRESS TO CONCEAL HIS PLACE OF RESIDENCE FROM HIS ASSAILANTS OR PROBABLE ASSAILANTS, TO PROVIDE THAT THE PROGRAM SHALL BE ADMINISTERED BY THE ATTORNEY GENERAL, TO PROVIDE FOR THE PROCESS THROUGH WHICH A PERSON MAY PARTICIPATE IN THE PROGRAM, AND TO DEFINE NECESSARY TERMS; BY ADDING SECTION 16-3-1656 SO AS TO REQUIRE NONPROFIT VICTIM ASSISTANCE ORGANIZATIONS THAT SERVE VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, HUMAN TRAFFICKING, STALKING, HARASSMENT, OR SEXUAL OFFENSES TO PROTECT THE CONFIDENTIALITY AND PRIVACY OF CLIENTS, WITH EXCEPTIONS; AND BY ADDING SECTION 19-11-110 SO AS TO PROHIBIT EMPLOYEES, AGENTS, OR VOLUNTEERS OF SUCH ORGANIZATIONS FROM TESTIFYING IN ACTIONS OR PROCEEDINGS ABOUT COMMUNICATIONS MADE BY A CLIENT OR RECORDS KEPT DURING THE COURSE OF PROVIDING SERVICES TO THE CLIENT, WITH EXCEPTIONS, AND FOR OTHER PURPOSES.

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

CARRIED OVER

S. 208 -- Senators Goldfinch and Fanning: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS SO AS TO PROVIDE THAT A COUNTY MAY IMPOSE AN ADDITIONAL DRIVER'S LICENSE FEE AND AN ADDITIONAL MOTOR VEHICLE LICENSING AND REGISTRATION FEE FROM RESIDENTS NEW TO THIS STATE UPON A SUCCESSFUL REFERENDUM, AND TO PROVIDE THAT THE FUNDS REALIZED FROM THE ADDITIONAL FEES MUST

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BE USED ONLY FOR COUNTY INFRASTRUCTURE, PUBLIC EDUCATION RELATED EXPENSES, AND GREENSPACE CONSERVATION OR PRESERVATION; BY AMENDING SECTION 56-1-20, RELATING TO DRIVER'S LICENSE REQUIRED, SURRENDER AND DISPOSITION OF OUT-OF-STATE LICENSES, LOCAL LICENSES, SO AS TO PROVIDE THAT A COUNTY MAY ASSESS AN ADDITIONAL FEE PURSUANT TO A SUCCESSFUL REFERENDUM; AND BY AMENDING SECTION 56-3-210, RELATING TO THE TIME PERIOD FOR PROCURING REGISTRATION AND LICENSE, TEMPORARY LICENSE PLATES, TRANSFER OF LICENSE PLATES, SO AS TO PROVIDE THAT A COUNTY MAY ASSESS AN ADDITIONAL FEE PURSUANT TO A SUCCESSFUL REFERENDUM.

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

OBJECTION

S. 330 -- Senators Rankin, Alexander and Verdin: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 16-11-740, RELATING TO MALICIOUS INJURY TO TELEGRAPH, TELEPHONE, OR ELECTRIC UTILITY SYSTEM, SO AS TO ADD TIERED PENALTIES FOR DAMAGE TO A UTILITY SYSTEM.

Senator MARTIN objected to consideration of the Bill.

CARRIED OVER

S. 101 -- Senator Campsen: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 50-9-525, RELATING TO LICENSES FOR DISABLED RESIDENTS, SO AS TO PROVIDE THE REQUIREMENTS FOR OBTAINING A LIFETIME DISABILITY COMBINATION LICENSE OR A LIFETIME DISABILITY FISHING LICENSE FOR CERTAIN PERSONS.

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

CARRIED OVER

S. 207 -- Senator Fanning: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 57-23-1160 SO AS TO CREATE THE PIEDMONT GATEWAY SCENIC BYWAY AND TO IDENTIFY THE THREE SEGMENTS THAT COMPRISE THE BYWAY.

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

CARRIED OVER

S. 343 -- Senators Shealy, Jackson and Hutto: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 44-7-130, RELATING TO DEFINITIONS IN THE STATE CERTIFICATION OF NEED AND HEALTH FACILITY LICENSURE ACT, SO AS TO INCLUDE ALL SHORT-TERM RESIDENTIAL STABILIZATION AND INTENSIVE CRISIS SERVICES IN THE DEFINITION OF CRISIS STABILIZATION UNIT FACILITIES AND TO CHANGE THE AGE OF THE INDIVIDUALS SERVED IN SAME.

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

CARRIED OVER

S. 397 -- Senators Shealy, Setzler and Kimbrell: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS SO AS TO REPEAL CHAPTER 75, TITLE 44 RELATING TO THE REGULATION OF ATHLETIC TRAINERS BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL; AND BY ADDING ARTICLE 11, CHAPTER 47, TITLE 40, SO AS TO TRANSFER REGULATORY AUTHORITY OF ATHLETIC TRAINERS TO THE BOARD OF MEDICAL EXAMINERS.

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

CARRIED OVER

S. 445 -- Senator Garrett: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING ARTICLE 2 TO CHAPTER 49, TITLE 44 SO AS TO REQUIRE THE DEPARTMENT OF ALCOHOL AND OTHER DRUG ABUSE SERVICES TO APPROVE A CREDENTIALING ENTITY TO DEVELOP AND ADMINISTER A VOLUNTARY CERTIFICATION PROGRAM FOR RECOVERY HOUSING; TO REQUIRE THE APPROVED CREDENTIALING ENTITY TO ESTABLISH RECOVERY HOUSING CERTIFICATION REQUIREMENTS AND PROCEDURES BASED UPON NATIONALLY RECOGNIZED QUALITY STANDARDS; AND TO DESIGNATE THE EXISTING SECTIONS OF CHAPTER 49 AS ARTICLE 1, ENTITLED "GENERAL PROVISIONS".

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

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CARRIED OVER

S. 455 -- Senator Verdin: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 44-29-230, RELATING TO TESTING REQUIRED WHEN A HEALTH CARE WORKER IS EXPOSED TO BLOODBORNE DISEASE, SO AS TO REPLACE REFERENCES TO PHYSICIAN WITH HEALTH CARE PROFESSIONALS, TO INCLUDE DENTISTS IN THE DEFINITION OF HEALTH CARE PROFESSIONALS, AND TO ADD HEPATITIS C TO THE LIST OF BLOODBORNE DISEASES.

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

CARRIED OVER

S. 459 -- Senator Grooms: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 55-9-235, SO AS TO PROVIDE FOR THE SALE AND CONSUMPTION OF LIQUOR BY THE DRINK THROUGHOUT THE TRANSPORTATION SECURITY ADMINISTRATION SCREENED PORTION OF QUALIFYING SOUTH CAROLINA AIRPORTS.

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

CARRIED OVER

H. 3605 -- Reps. G.M. Smith, Sandifer, Carter, Kirby, Oremus, Magnuson, Pace, Long, Elliott, Burns, May, Beach, Forrest, Blackwell, B. Newton, Caskey and Ligon: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 40-1-80, RELATING TO INVESTIGATIONS OF LICENSEES, SO AS TO REQUIRE THE DIRECTOR TO SEND INFORMATION REGARDING AN INVESTIGATION TO THE LICENSEE; BY ADDING SECTION 40-1-85 SO AS TO ESTABLISH INFORMAL CONFERENCES; BY AMENDING SECTION 40-1-90, RELATING TO DISCIPLINARY ACTION PROCEEDINGS, SO AS TO ALLOW A LICENSEE TO REQUEST CERTIFICATION OF AN INVESTIGATION FROM THE DIRECTOR; AND BY AMENDING SECTION 40-1-140, RELATING TO EFFECT OF PRIOR CRIMINAL CONVICTIONS OF APPLICANTS, SO AS TO PROHIBIT THE DENIAL OF A LICENSE BASED SOLELY OR IN PART ON A PRIOR CRIMINAL CONVICTION IN CERTAIN CIRCUMSTANCES.

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

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AMENDED, ADOPTED

H. 3139 -- Rep. Chumley: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION ERECT APPROPRIATE MARKERS OR SIGNS AT THE INTERSECTION OF SOUTH CAROLINA HIGHWAY 417 AND GREEN POND ROAD IN SPARTANBURG COUNTY CONTAINING THE WORDS "UNITED STATES POSTAL SERVICE AIRMAIL DIRECTIONAL ARROW SITE".

The Senate proceeded to the consideration of the Resolution.

Senators TALLEY and MARTIN proposed the following amendment (SR-3139.KM0001S), which was adopted:

Amend the concurrent resolution, as and if amended, by striking the second paragraph and inserting:

Whereas, the site was once a part of a network of ground-based navigational beacons established in the 1920s to guide United States Post Office airmail pilots around the clock. The beacons stood atop concrete foundations in the shape of giant arrows measuring between fifty to seventy feet long; and

Amend the concurrent resolution further, by striking the fourth paragraph and inserting:

Whereas, it would be fitting and proper to recognize the role of the navigational beacon site in Spartanburg County, which guided airplanes flying along the Post Office's Atlanta to New York route, for its historical significance. Now, therefore,

Amend the concurrent resolution further, by striking the sixth paragraph and inserting:

That the members of the General Assembly request the Department of Transportation erect appropriate markers or signs at the intersection of South Carolina Highway 417 and Green Pond Road in Spartanburg County containing the words "United States Post Office Airmail Directional Arrow Site".

Renumber sections to conform.

Amend title to conform.

Senator TALLEY explained the amendment.

The amendment was adopted.

The question then being adoption of the Resolution, as amended.

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

ADOPTED

H. 3136 -- Reps. Bailey, McCravy and Chumley: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION OF HIGHWAYS 57 AND 111 IN HORRY COUNTY "LANCE CORPORAL MELTON LEVI 'FOX' GORE MEMORIAL INTERSECTION" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THESE WORDS.

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

ADOPTED

H. 3581 -- Rep. Dillard: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF MOTOR VEHICLES NAME ITS FACILITY LOCATED AT 122 EDGEWORTH STREET IN THE CITY OF GREENVILLE IN GREENVILLE COUNTY IN HONOR OF CONGRESSIONAL MEDAL OF HONOR RECIPIENT LIEUTENANT MICHAEL EDWARD THORNTON, UNITED STATES NAVY.

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

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

MOTION ADOPTED

At 2:51 P.M., on motion of Senator HEMBREE, the Senate agreed to dispense with the balance of the Motion Period.

THE SENATE PROCEEDED TO A CONSIDERATION OF BILLS AND RESOLUTIONS RETURNED FROM THE HOUSE.

HOUSE AMENDMENTS AMENDED

RETURNED TO THE HOUSE WITH AMENDMENTS

S. 411 -- Senator Cromer: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE BRIDGE ON COLLEGE STREET IN THE CITY OF NEWBERRY IN NEWBERRY COUNTY "THE HONORABLE WALTON J. MCLEOD III BRIDGE" AND ERECT APPROPRIATE

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MARKERS OR SIGNS AT THIS LOCATION CONTAINING THESE WORDS.

The Senate proceeded to a consideration of the Resolution, the question being concurrence in the House amendments.

Senator CROMER explained the House amendments.

Senator CROMER proposed the following amendment (SR-411.KM0002S), which was adopted:

Amend the concurrent resolution, as and if amended, by striking the first paragraph and inserting:

Whereas, from 1997 until 2016, Representative Walton J. McLeod represented the citizens of House District 40 in Newberry County in the House of Representatives with his faithful integrity and characteristic good humor; and

Amend the concurrent resolution further, by striking the eleventh undesignated paragraph and inserting:

That the members of the South Carolina General Assembly, by this resolution, request that the Department of Transportation name the bridge on College Street in the City of Newberry in Newberry County “The Representative Walton J. McLeod Bridge” and erect appropriate markers or signs at this location containing the designation.

Be it further resolved that a copy of this resolution be forwarded to the Department of Transportation and presented to Representative Walton J. McLeod.

Renumber sections to conform.

Amend title to conform.

Senator CROMER explained the amendment.

The question then was the adoption of the amendment.

The amendment was adopted.

The Resolution was ordered returned to the House of Representatives with amendments.

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THE SENATE PROCEEDED TO THE SPECIAL ORDERS.

CARRIED OVER

S. 285 -- Senators Davis, Rice, Grooms, Goldfinch, Climer and Gustafson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 12-6-3791 SO AS TO ALLOW AN INCOME TAX CREDIT FOR CONTRIBUTIONS TO A SCHOLARSHIP-FUNDING ORGANIZATION THAT PROVIDES GRANTS FOR STUDENTS TO ATTEND CERTAIN INDEPENDENT AND HOME SCHOOLS, TO SPECIFY THE MANNER IN WHICH THE CREDIT IS CLAIMED, TO SPECIFY THE PROCESS BY WHICH CERTAIN ORGANIZATIONS AND SCHOOLS BECOME ELIGIBLE, TO SPECIFY CERTAIN INFORMATION WHICH MUST BE MADE PUBLIC, AND TO ALLOW THE STATE TREASURER AND DEPARTMENT OF REVENUE TO ENFORCE THE PROVISIONS OF THE CREDIT; AND TO REPEAL SECTION 12-6-3790 RELATING TO THE EDUCATIONAL CREDIT FOR EXCEPTIONAL NEEDS CHILDREN'S FUND.

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

Senator BENNETT explained the Bill.

The Committee on Finance proposed the following amendment (LC-285.SA0004S):

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

SECTION 1. Chapter 6, Title 12 of the S.C. Code is amended by adding:

Article 26

Academic Choice in Education (ACE)

Section 12-6-3850. For purposes of this article:

(1) "Academic Choice in Education fund" or "ACE" means education funding provided on behalf of eligible students by nonprofit scholarship funding organizations for qualifying expenses as outlined in this article.

(2) "Department" means the South Carolina Department of Revenue.

(3) "Disadvantaged child" means a child or his family who meets the qualifications for federal Medicaid benefits, or whose family has an annual adjusted gross income of two hundred percent or less of the

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federal poverty guidelines as promulgated annually by the United States Department of Health and Human Services.

(4) “Eligible school” means an independent school, including those religious in nature, other than a public school, at which the compulsory attendance requirements of Section 59-65-10 may be met, that:

(a) offers a general education to primary or secondary school students;

(b) does not discriminate on the basis of race, color, or national origin;

(c) is located in this State;

(d) has an educational curriculum that includes courses set forth in the state’s diploma requirements;

(e) has school facilities that are subject to applicable federal, state, and local laws; and

(f) is a member in good standing of the South Carolina Association of Christian Schools, the South Carolina Independent Schools Association, the Palmetto Association of Independent Schools, the American Montessori Society, the International Montessori Council, or the National Association of Private Schools, or alternatively accredited by Cognia or the National Council for Private School Accreditation.

(5) “Eligible student” means a student who:

(a) meets the definition of “general child”;

(b) meets the definition of “disadvantaged child”;

(c) meets the definition of “exceptional needs child”; or

(d) meets the definition of “home school child”; and

(e) is not a recipient of an Education Scholarship Trust Fund.

(6) “Exceptional needs child” means a child:

(a)(i) who has been evaluated in accordance with this state’s evaluation criteria, as set forth in S.C. Code Ann. Regs. 43 243.1, and determined eligible as a child with a disability who needs special education and related services, in accordance with the requirements of Section 300.8 of the Individuals with Disabilities Education Act; or

(ii) who has been diagnosed as either permanently or within the last three years by a licensed speech language pathologist, psychiatrist, or medical, mental health, psychoeducational, or other comparable licensed health care provider as having a neurodevelopmental disorder, a substantial sensory or physical impairment such as deaf, blind, or orthopedic disability, or some other disability or acute or chronic condition that significantly impedes the student’s ability to learn and succeed in school without specialized

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instructional and associated supports and services tailored to the child's unique needs; and

(b) the child's parents or legal guardian believes that the services provided by the school district of legal residence do not sufficiently meet the needs of the child.

(7) "General child" means a child who is a South Carolina resident who, immediately before receiving a scholarship under this article and enrolling in an eligible school or program, was enrolled in a South Carolina secondary or primary public school or who is eligible to enroll in a qualified first grade, kindergarten, or prekindergarten program or received a scholarship pursuant to this article for the previous school year; provided, however, that if a student is considered to be an eligible student pursuant to this item, he shall continue to qualify as such until he graduates, reaches the age of twenty, or returns to a public school, whichever occurs first.

(8) "Home school" means a home, residence, or location where a parent or legal guardian teaches one or more children as authorized pursuant to Section 59-65-40, Section 59-65-45, or Section 59-65-47.

(9) "Home school child" means any child attending an eligible home school.

(10) "Nonprofit scholarship funding organization" or "scholarship funding organization" means a charitable organization that:

(a) is registered and in good standing with the South Carolina Secretary of State;

(b) is exempt from federal tax pursuant to Section 501(a) of the Internal Revenue Code by being listed as an exempt organization in Section 501(c)(3) of the tax code; and

(c) is approved annually by the Treasurer and listed on the Treasurer's approved list, which must be published on the Treasurer's website;

(11) "Parent" means a resident of this State who is the natural or adoptive parent, legal guardian, custodian, or other person with legal authority to act on behalf of an eligible student.

(12) "Person" means an individual, partnership, corporation, or other similar entity.

(13) "Program" means the ACE scholarship program created by this article.

(14) "Public School" means a school operated by publicly elected or appointed school officials in which the program and activities are under the control of these officials and which is supported by public funds.

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(15) “Qualifying expense” means:

(a) the total amount of money charged for the cost of an eligible student to attend an eligible school including, but not limited to, fees for attending the school, textbook fees, tutoring, and/or transportation to and from school that is provided by the school. These costs may not be in excess of what is currently provided; and

(b) in the case of an eligible home school student, the total amount of money charged for instruction-related expenditures to attend an eligible home school provider including, but not limited to, curriculum packages, textbooks, digital education, and testing materials.

(16) “Resident school district” means the public school district in which the student is domiciled.

(17) “Scholarship” means education funding allocated from an account established on a student’s behalf pursuant to this article.

(18) “Treasurer” means the Office of the State Treasurer.

Section 12-6-3855. (A) A person is entitled to a tax credit against income taxes imposed pursuant to this chapter, or bank taxes imposed pursuant to Chapter 11 of this title, for the amount of cash and the monetary value of any publicly traded securities the person contributes to a nonprofit scholarship funding organization up to the limits of this section if:

(1) the contribution is used to provide scholarships for qualifying expenses to an eligible student enrolled in an eligible school; and

(2) the taxpayer does not designate a specific child or school as the beneficiary of the contribution.

(B)(1) Scholarships may be awarded by a scholarship funding organization to an eligible student qualifying and defined under Section 12-6-3850(5)(a) [General child] for a school year in an amount not exceeding the actual state allocated revenue for each pupil as calculated by the Revenue and Fiscal Affairs Office and required to be published by the annual appropriations act or the total amount of qualifying expenses, whichever is less.

(2) Scholarships may be awarded by a scholarship funding organization to an eligible student qualifying and defined under Section 12-6-3850(5)(b) and (c) [Disadvantaged Child & Exceptional Needs Child] for a school year in an amount not exceeding one hundred forty percent of the amount of subsection (B)(1) above or the total amount of qualifying expenses, whichever is less.

(3) Scholarships may be awarded by a scholarship funding organization to an eligible student qualifying and defined under Section 12-6-3850(5)(d) [Home School Child] for a school year in an amount not

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exceeding twenty percent of the amount of subsection (B)(1) above or the total cost of home school curriculum fees, whichever is less. A scholarship funding organization may reimburse a parent directly for expenditures actually paid for home school curriculum fees or pay vendors directly for home school curriculum fees at the direction of the parent and on behalf of the home school child.

(4) Once an eligible student receives a scholarship, he must receive priority status for future scholarships; provided, however, that the eligible student is in good standing with the school.

(C) Except as otherwise provided, the Department of Education, the Department of Revenue, the Treasurer, or any other state agency may not regulate the educational programs of a school that accepts eligible students receiving scholarships pursuant to this article.

Section 12-6-3860.(A) The Treasurer shall create a standard application process and establish the timeline for parents to establish the eligibility of their student for the ACE scholarship. The application window established shall last at least forty-five days, opening no earlier than January fifteenth, and closing no later than March fifteenth of each calendar year.

(B) Pursuant to the timeline established pursuant to this section, the Treasurer shall:

(1) process applications in the order in which they are received; and
(2) enroll and issue eligibility certificates within thirty days of the deadline for receipt of completed applications and all required documentation. The eligibility certificate must list the names and contact information of the eligible scholarship-granting organizations.

(C) Before awarding an eligibility certificate, the Treasurer shall obtain evidence of the student's eligibility criteria set forth in this article.

(D) The Treasurer shall approve an application for scholarship if:

(1) the parent submits an annual application for a scholarship in accordance with the application and procedures established by the Treasurer;

(2) the student on whose behalf the parent is applying is an eligible student;

(3) the parent signs an annual agreement with the Treasurer:

(a) to provide, at a minimum, a program of academic instruction for the eligible student in at least the subjects of English and language arts to include writing, mathematics, social studies, and science;

(b) to acknowledge and agree to comply with the eligible schools prescribed curriculum, dress code and other requirements of enrolled students; and

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(c) to use program funds for qualifying expenses only for an eligible school to educate the scholarship student, subject to penalty.

(E) Receipt of an eligibility certificate does not guarantee a scholarship award from a scholarship granting organization.

Section 12-6-3865. (A) The Treasurer shall prescribe the form and manner to be an approved nonprofit scholarship funding organization, the annual application must at a minimum include:

(1) the number and total amount of scholarships issued to schools that accept eligible students in the preceding school year;

(2) the identity of the school and the amount of the scholarship issued to each eligible student in the preceding school year;

(3) an itemization and detailed explanation of any fees or other revenues obtained from or on behalf of any schools that accepted eligible students;

(4) a copy of the organization's Form 990 or other comparable federal submission that indicates the provisions of the Internal Revenue Code under which the organization has been granted exempt status for purposes of federal taxation;

(5) a copy of a compilation, review, or audit of the organization's financial statements, conducted by a certified public accounting firm;

(6) the criteria and eligibility requirements for scholarship awards; and

(7) a certification by the organization of the following:

(a) it meets the definition of a nonprofit scholarship funding organization and that the report is true, accurate, and complete under penalty of perjury in accordance with Section 16-9-10;

(b) it allocates at least ninety-five percent of its annual contributions received during a particular year to provide scholarships to schools on behalf of eligible enrolled children and incurs administrative expenses annually of no more than five percent of its annual contributions for a particular year to cover operational costs;

(c) it allocates all of its funds used for scholarships on an annual basis to eligible students;

(d) it does not provide scholarships on behalf of eligible students only for the benefit of one school, and if the Treasurer determines that the nonprofit scholarship funding organization is providing scholarships to one particular school, the tax credit allowed by this section may be disallowed;

(e) it does not have as a volunteer, contractor, consultant, fundraiser, or member of its governing board, any parent, legal guardian, or member of his immediate family who has a child or ward who is

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currently receiving or has received a scholarship authorized by this article from the organization within one year of the date the parent, legal guardian, or member of his immediate family became a board member. A person serving on the governing board of a nonprofit scholarship funding organization shall have a fiduciary duty to the donors and eligible students at schools served by the organization and shall avoid any conflicts of interest with the organization and those it serves;

(f) it does not have as a member of its governing board or an employee, volunteer, contractor, consultant, or fundraiser who has been convicted of a felony or other financial crime, been disciplined by a professional, self-regulatory body, had a professional license or designation suspended, revoked, or otherwise restricted in use, or is otherwise prevented from engaging in a profession as part of a court order, court settlement, or arbitration ruling. This item also must apply to immediate family members residing in the same household;

(g) does not release personally identifiable information pertaining to students or donors or use information collected about donors, students, or schools for financial gain; and

(h) does not place conditions on schools enrolling eligible students receiving scholarship to limit the ability of the schools to enroll eligible students accepting scholarships from other nonprofit scholarship funding organizations.

(B) The application deadline under this section is August first of each year.

Section 12-6-3870. (A) The parent shall provide the eligibility certificate to the scholarship funding organization. Upon awarding of a scholarship by the scholarship funding organization and at the direction of the parent, the scholarship funding organization shall issue a check payable to the eligible school on behalf of the student and deliver it to the school within thirty days upon approval of the application or thirty days of the start of the school's semester. If the eligible student leaves or withdraws from the school for any reason before the end of the semester or school year and does not re-enroll within thirty days, then the school shall return a prorated amount of the scholarship to the scholarship funding organization based on the number of days the eligible student was enrolled in the school during the semester or school year within sixty days of the student's departure.

(B) Before the issuance of a check, a parent shall certify that the eligible student has not received a scholarship from any other scholarship-granting organizations in the current academic year.

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(C) Before the issuance of a check to an eligible school, the school must provide documentation to the scholarship funding organization that it meets the criteria established in Section 12-6-3850(4).

(D)(1) The tax credits authorized for an eligible student qualified and defined under Section 12-6-3850(5)(a) [General Child], (b) [Disadvantaged Child] and (c) [Exceptional Needs Child] may not exceed cumulatively a total of fifteen million dollars in each qualifying category, each calendar year.

(2) The tax credits authorized for an eligible student qualified and defined under Section 12-6-3850 (5)(d) [Home School Child] may not exceed cumulatively a total of ten million dollars each calendar year.

(3) If the South Carolina Department of Revenue determines that the total of the credits claimed in this section by all taxpayers exceeds the limit amount, it shall allow credits only up to those amounts on a first-come, first-served basis. However before October first of each tax year, no taxpayer may claim more than fifty percent of the allotment for any of the tax credits allowed in this section. After October first, a taxpayer that has claimed the maximum allotment may reapply to claim additional credits. For purposes of determining priority, the subsequent application must be placed in order with all other applications received.

(4) The tax credits authorized pursuant to this section remain the same unless an increased or decreased limit is authorized in the annual general appropriations act.

(E) The department shall establish an application process to determine the amount of credit available to be claimed. The receipt of the application by the department shall determine priority for the credit.

(1) The tax credit must be claimed on the return for the tax year that the contribution is made.

(2) A taxpayer may not claim more than one hundred percent of his total tax liability for the tax year in contributions toward the tax credits authorized by section. This credit is not refundable. If the credit exceeds the taxpayer's tax liability for the taxable year, the excess amount may be carried forward for credit against the next ten succeeding taxable years.

(3) If a taxpayer deducts the amount of the contribution on the taxpayer's federal return and claims the credit allowed by this section, then the taxpayer shall add back the amount of the deduction for purposes of South Carolina income or bank taxes.

(F) The department shall prescribe the form and manner of proof required to obtain the credits authorized by this article. Also the department shall develop a method of informing taxpayers and

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scholarship-funding organizations if the credit limit is met at any time during the year.

(1) A corporation or entity entitled to a credit under this section may not convey, assign, or transfer the credit authorized by this section to another entity unless all assets of the entity are conveyed, assigned, or transferred in the same transaction.

(2) Notwithstanding the maximum credit limits set forth in this article, if one of the eligible student-qualifying categories listed in subsection (D) reaches its limits but another eligible student-qualifying category has not reached its limit by October first of each tax year, then the department may transfer the unused credits to the eligible student qualifying category that has reached its limit. However, the credit only may be transferred and may not cumulatively allow more than the authorized annual cumulative total provided in this section. In considering a credit transfer under this item, those eligible student qualifying categories listed in subsection 12-6-3850(5)(b) [Disadvantaged Child], (c) [Exceptional Needs Child], (d) [Home School Child], and (a)[General Child] must have priority order when transferring credits.

Section 12-6-3875. (A) By September first of each year, the Treasurer shall publish on its website a list of all qualifying nonprofit scholarship-funding organizations for the succeeding calendar year, to include their names, addresses, telephone numbers, and, if available, website addresses and applicable audits.

(B) By January fifteenth of each year, the Treasurer shall report to the Chairman of the Senate Finance Committee, the Chairman of the House Ways and Means Committee, and the Governor:

(1) the number and total amount of scholarships issued by the scholarship-funding organizations to schools on behalf of eligible students that attended in the prior school year;

(2) the identity of the school that accepts eligible students and the amount of each scholarship issued to the school in the prior school year by each scholarship funding organization;

(3) an itemization and detailed explanation of fees or other revenues obtained from or on behalf of eligible students to a school by any scholarship-funding organization;

(4) a copy of each scholarship-funding organization's Form 990 or other comparable federal submission that indicates the provisions of the Internal Revenue Code under which the organization has been granted exempt status for purposes of federal taxation;

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(5) a copy of a compilation, review, or audit of each scholarship-funding organization conducted by a certified public accounting firm as provided to the Treasurer by each scholarship-funding organization in their application to participate in the program;

(6) the criteria and eligibility requirements for scholarship awards of each scholarship-funding organization as provided to the Treasurer by each scholarship-funding organization in their application to participate in the program; and

(7) any report required by this section may not specifically include the name, amount, or any other personally identifiable information of scholarship recipients.

Section 12-6-3880. (A)(1) The Treasurer and the department have authority to examine and audit the nonprofit scholarship-funding organizations, including determining whether the nonprofit scholarship-funding organization is being operated in a manner consistent with the requirements for an IRC Section 501(c)(3) organization or is in compliance with any other provision of this section.

(2)(a) If an audit by the Treasurer or department produces evidence that a nonprofit scholarship-funding organization is not being operated in a manner consistent with the requirements for operating an IRC Section 501(c)(3) organization or is not in compliance with any other substantial provision of this section, the Treasurer or the department immediately may revoke the organization's participation in the program and shall notify the organization in writing of the revocation.

(b) Actual notice of revocation may be provided to the organization by personal delivery to the organization, by certified return receipt mail to the last known address of the organization, or by other means reasonably designed to provide actual notice to the organization.

(c) Any donations made following the date the actual notice of revocation are received by the organization do not qualify for the credit and the donated funds must be returned to the donor by the organization.

(d)(i) Within thirty days after the day on which the organization is provided actual notice of the revocation, the organization may request a contested hearing before the Administrative Law Court. Within seven days after a request for a contested case hearing is received by the Administrative Law Court, an administrative law judge shall hold the contested case hearing and determine whether the revocation was reasonable under the circumstances. The Treasurer or the department has the burden of proof of showing that the revocation was reasonable under the circumstances. The revocation is reasonable if the Treasurer or the department has substantial credible evidence that the organization is not

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being operated in a manner consistent with the requirements for operating an IRC Section 501(c)(3) organization or is not in compliance with other substantial provisions of this article. If the organization does not request a contested case hearing within thirty days of the immediate revocation, the revocation is permanent.

(ii) If the administrative law judge determines that the immediate revocation was reasonable, the administrative law judge shall remand the case to the Treasurer or the department to issue a Treasurer or department determination for permanent revocation within the time period determined by the judge. The organization may appeal this Treasurer or department determination in accordance with Section 12-60-460. At the contested case hearing on the Treasurer or department determination, the parties may raise new issues and arguments in addition to those issues and arguments previously presented at the immediate revocation hearing.

(iii) If the administrative law judge determines that immediate revocation is not reasonable, the revocation must be lifted, and the organization may resume accepting donations and award scholarships. The Treasurer or department may still issue a Treasurer or department determination in accordance with Section 12-60-450(E)(2).

(e) If at any time during the process, the Treasurer and department believes the organization is in compliance, the Treasurer may reinstate the organization.

(f) Following the permanent revocation of a nonprofit scholarship-funding organization, the Treasurer has the authority to oversee the transfer of donated funds of the revoked organization to other nonprofit scholarship-funding organizations.

(g) A scholarship-funding organization may transfer funds to another scholarship-funding organization if the organization ceases to exist. The funds that are transferred by one scholarship funding organization to another only may be considered by one organization when calculating its administrative expenses. The scholarship-funding organizations transferring and receiving the funds shall notify the Treasurer in writing within three days of the transfer. The notification may be made via electronic methodology.

SECTION 2.A. Section 12-6-3790 of the S.C. Code is repealed.

B. This SECTION takes effect upon the full implementation of this act as provided in SECTION 4.

SECTION 3. 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

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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 4. This act takes effect upon approval by the Governor, provided that upon approval of this act by the Governor, the Treasurer shall begin undertaking and executing responsibilities incidental to the implementation of this act so that the provisions of this act may be fully implemented at the beginning of the 2024-2025 School Year.

Renumber sections to conform.

Amend title to conform.

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

Motion Adopted

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

ADJOURNMENT

At 4:48 P.M., on motion of Senator HEMBREE, the Senate adjourned to meet tomorrow at 11:00 A.M.

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