

NO. 42

JOURNAL
OF THE
SENATE
OF THE
STATE OF SOUTH CAROLINA



REGULAR SESSION BEGINNING TUESDAY, JANUARY 12, 2021

WEDNESDAY, MARCH 23, 2022

Wednesday, March 23, 2022
(Statewide Session)

~~Indicates Matter Stricken~~
Indicates New Matter

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

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

Amos 5:24

Amos the Prophet tells us: "But let justice roll down like waters, and righteousness like an ever flowing stream."

Let us pray, my friends: Holy God, here on this day and in this season we ask a special blessing upon all who serve You here in this governmental complex: these Senators themselves of course, each one of their gifted aides, and all others who might be engaged in the work of this Senate. May all of these servants continually reflect upon the fact that justice and righteousness must always be at the heart of all that they do for the people whom they are here to serve, and that it is always You yourself, Lord, to whom any glory is to be accorded. And as always here in this troubling period worldwide, we join our hearts in praying for peace around the globe, dear God. By Your grace may it be so. All this we humbly pray in Your loving name, dear Lord. Amen.

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

Point of Quorum

At 1:04 P.M., Senator PEELER made the point that a quorum was not present. It was ascertained that a quorum was not present.

Call of the Senate

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

Adams	Alexander	Bennett
Cash	Climer	Corbin
Cromer	Fanning	Gambrell
Garrett	Goldfinch	Grooms
Gustafson	Harpootlian	Hembree
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Kimbrell

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Kimpson	Malloy	Martin
Massey	Matthews	McElveen
Peeler	Rice	Senn
Shealy	Stephens	Talley
Turner	Verdin	Williams
Young		

A quorum being present, the Senate resumed.

Doctor of the Day

Senator PEELER introduced Dr. Brinda Chokshi of Florence, S.C., Doctor of the Day.

CO-SPONSORS ADDED

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

S. 11 Sen. Cash
S. 531 Sens. Bennett, Corbin and Campsen
S. 935 Sen. Gustafson
S. 1077 Sen. Adams
S. 1144 Sen. Talley

RECALLED

H. 5090 -- Reps. Pendarvis, Alexander, Allison, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bennett, Bernstein, Blackwell, Bradley, Brawley, Brittain, Bryant, Burns, Bustos, Calhoon, Carter, Caskey, Chumley, Clyburn, Cobb-Hunter, Cogswell, Collins, B. Cox, W. Cox, Crawford, Dabney, Daning, Davis, Dillard, Elliott, Erickson, Felder, Finlay, Forrest, Fry, Gagnon, Garvin, Gatch, Gilliam, Gilliard, Govan, Haddon, Hardee, Hart, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hill, Hiott, Hixon, Hosey, Howard, Huggins, Hyde, Jefferson, J.E. Johnson, J.L. Johnson, K.O. Johnson, Jones, Jordan, King, Kirby, Ligon, Long, Lowe, Lucas, Magnuson, Matthews, May, McCabe, McCravy, McDaniel, McGarry, McGinnis, McKnight, J. Moore, T. Moore, Morgan, D.C. Moss, V.S. Moss, Murphy, Murray, B. Newton, W. Newton, Nutt, Oremus, Ott, Parks, Pope, Rivers, Robinson, Rose, Rutherford, Sandifer, Simrill, G.M. Smith, G.R. Smith, M.M. Smith, Stavrinakis, Taylor, Tedder, Thayer, Thigpen, Trantham, Weeks, West, Wetmore, Wheeler, White, Whitmire, R. Williams, S. Williams, Willis, Wooten and Yow: A CONCURRENT RESOLUTION TO DECLARE MAY AS "LUPUS AWARENESS MONTH" IN THE STATE OF SOUTH CAROLINA AND TO

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RECOGNIZE THE IMPACT OF LUPUS ON MILLIONS OF INDIVIDUALS AFFECTED BY LUPUS WORLDWIDE AND IN THE STATE OF SOUTH CAROLINA, AS WELL AS THE IMPORTANCE OF EFFORTS FOR FINDING THE CAUSES OF AND A CURE FOR THE DISEASE.

Senator VERDIN asked unanimous consent to make a motion to recall the Concurrent Resolution from the Committee on Medical Affairs.

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

RECALLED

H. 5106 -- Reps. Sandifer, Alexander, Allison, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bennett, Bernstein, Blackwell, Bradley, Brawley, Brittain, Bryant, Burns, Bustos, Calhoon, Carter, Caskey, Chumley, Clyburn, Cobb-Hunter, Cogswell, Collins, B. Cox, W. Cox, Crawford, Dabney, Daning, Davis, Dillard, Elliott, Erickson, Felder, Finlay, Forrest, Fry, Gagnon, Garvin, Gatch, Gilliam, Gilliard, Govan, Haddon, Hardee, Hart, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hill, Hiott, Hixon, Hosey, Howard, Huggins, Hyde, Jefferson, J.E. Johnson, J.L. Johnson, K.O. Johnson, Jones, Jordan, King, Kirby, Ligon, Long, Lowe, Lucas, Magnuson, Matthews, May, McCabe, McCravy, McDaniel, McGarry, McGinnis, McKnight, J. Moore, T. Moore, Morgan, D.C. Moss, V.S. Moss, Murphy, Murray, B. Newton, W. Newton, Nutt, Oremus, Ott, Parks, Pendarvis, Pope, Rivers, Robinson, Rose, Rutherford, Simrill, G.M. Smith, G.R. Smith, M.M. Smith, Stavrinakis, Taylor, Tedder, Thayer, Thigpen, Trantham, Weeks, West, Wetmore, Wheeler, White, Whitmire, R. Williams, S. Williams, Willis, Wooten and Yow: A CONCURRENT RESOLUTION TO DECLARE WEDNESDAY, MARCH 30, 2022, AS "NATIONAL GUARD DAY" IN SOUTH CAROLINA AND TO RECOGNIZE AND HONOR THE MANY SACRIFICES AND VALUABLE CONTRIBUTIONS THE SOUTH CAROLINA NATIONAL GUARD MAKES TO PROTECT THE FREEDOM, DEMOCRACY, AND SECURITY OF OUR STATE AND NATION.

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

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The Concurrent Resolution was recalled from the Committee on Family and Veterans' Services and ordered placed on the Calendar for consideration tomorrow.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 1186 -- Senator Alexander: A SENATE RESOLUTION TO CONGRATULATE THE MEMBERS OF THE NEWCOMER CLUB OF THE FOOTHILLS UPON THE OCCASION OF THEIR FIFTIETH ANNIVERSARY AND TO COMMEND THE ORGANIZATION FOR ITS MANY YEARS OF DEDICATED SERVICE TO THE FOOTHILLS COMMUNITY AND THE PEOPLE AND THE STATE OF SOUTH CAROLINA.

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The Senate Resolution was adopted.

S. 1187 -- Senator Alexander: A SENATE RESOLUTION TO CONGRATULATE SCOTT KREIN FOR BEING NAMED SOUTH CAROLINA EMERGENCY MANAGER OF THE YEAR.

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The Senate Resolution was adopted.

S. 1188 -- Senators Garrett, Massey and Setzler: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR THE DIXIE YOUTH SOFTBALL ANGELS TEAM AND COACHES FOR AN OUTSTANDING SEASON AND TO CONGRATULATE THEM FOR WINNING THE 2021 SOUTH CAROLINA DIXIE YOUTH STATE CHAMPIONSHIP TITLE.

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

S. 1189 -- Senators Goldfinch and Gambrell: A BILL TO AMEND SECTION 12-20-105(E) AND (F) OF THE 1976 CODE, RELATING TO STATE LICENSE TAX CREDITS ALLOWED CERTAIN TAXPAYERS FOR CONTRIBUTIONS TO QUALIFYING INFRASTRUCTURE AND ECONOMIC DEVELOPMENT PROJECTS, TO INCREASE THE MAXIMUM ANNUAL CREDIT AMOUNT FROM FOUR HUNDRED THOUSAND TO SIX HUNDRED THOUSAND DOLLARS, TO PROVIDE ADDITIONAL ANNUAL CREDIT AMOUNTS OF FIFTY THOUSAND DOLLARS,

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ONE HUNDRED THOUSAND DOLLARS, AND ONE HUNDRED FIFTY THOUSAND DOLLARS, RESPECTIVELY, FOR QUALIFYING PROJECTS LOCATED IN COUNTIES CLASSIFIED FOR THE TARGETED JOBS TAX CREDIT AS TIER II, III, AND IV COUNTIES, TO PROVIDE ADDITIONAL ELIGIBILITY REQUIREMENTS FOR THESE INCREASED CREDIT AMOUNTS, AND TO ALLOW UNUSED CREDITS TO BE CARRIED FORWARD TO THE THREE SUCCEEDING TAX YEARS.

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

S. 1190 -- Senator Cromer: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 2 TO CHAPTER 43, TITLE 40 SO AS TO TRANSFER CERTAIN RESPONSIBILITIES AND AUTHORITY OVER THE REGULATION OF CONTROLLED SUBSTANCES FROM THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO THE STATE BOARD OF PHARMACY; TO AMEND SECTIONS 44-53-1630, 44-53-1640, AS AMENDED, AND 44-130-60, AS AMENDED, ALL RELATING TO CONTROLLED SUBSTANCES, SO AS TO MAKE CONFORMING CHANGES; AND TO REPEAL SECTIONS 44-53-280, 44-53-290, 44-53-300, 44-53-310, 44-53-320, 44-53-330, 44-53-340, 44-53-350, 44-53-360, 44-53-361, 44-53-362, 44-53-363, AND 44-53-365, ALL RELATING TO CONTROLLED SUBSTANCE REGULATION BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL.

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

S. 1191 -- Senator McLeod: A SENATE RESOLUTION TO RECOGNIZE AND HONOR DR. MATILDA ARABELLA EVANS FOR HER MANY CONTRIBUTIONS TO THE PEOPLE AND THE STATE OF SOUTH CAROLINA.

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The Senate Resolution was adopted.

S. 1192 -- Senators McLeod and Jackson: A SENATE RESOLUTION TO CONGRATULATE BISHOP FREDERICK C. JAMES ON THE OCCASION OF HIS ONE HUNDREDTH BIRTHDAY AND TO WISH HIM A JOYOUS BIRTHDAY CELEBRATION AND MUCH HAPPINESS IN THE DAYS AHEAD.

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The Senate Resolution was adopted.

REPORT OF STANDING COMMITTEE

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

H. 3509 -- Reps. Fry, Felder, Bernstein, Collins, Kimmons, Robinson, Haddon, V.S. Moss, Pope, Forrest, J.L. Johnson, W. Cox, Carter, Oremus, Henegan, Jefferson and R. Williams: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 8 TO CHAPTER 7, TITLE 63 SO AS TO ESTABLISH AN EXTENDED FOSTER CARE PROGRAM AND RELATED PROCEDURES TO ENABLE CERTAIN CHILDREN IN THE CUSTODY OF THE DEPARTMENT OF SOCIAL SERVICES ON THEIR EIGHTEENTH BIRTHDAY TO CONTINUE TO RECEIVE SERVICES AND SUPPORTS FROM THE DEPARTMENT UNTIL THE AGE OF TWENTY-ONE; TO DEFINE TERMS; TO PROVIDE FOR VOLUNTARY AND COURT-ORDERED EXTENDED FOSTER CARE; TO REQUIRE CASE REVIEW AND PERMANENCY PLANNING; AND FOR OTHER PURPOSES; AND TO AMEND SECTION 63-7-1700, RELATING TO PERMANENCY PLANNING HEARINGS, SO AS TO MAKE CONFORMING CHANGES.

Ordered for consideration tomorrow.

Message from the House

Columbia, S.C., March 22, 2022

Mr. President and Senators:

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

H. 3590 -- Reps. Allison and Lucas: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-18-1115 SO AS TO PROVIDE PUBLIC SCHOOL DISTRICTS MAY HIRE NONCERTIFIED TEACHERS FOR ANY SCHOOLS AND CAREER AND TECHNOLOGY CENTERS THAT HAVE VACANT TEACHING POSITIONS FIVE BUSINESS DAYS BEFORE THE BEGINNING OF THE SCHOOL YEAR, TO PROVIDE THESE NONCERTIFIED TEACHERS MAY COMPRISE NO MORE THAN TWENTY-FIVE PERCENT OF THE ENTIRE TEACHING STAFF OF A SCHOOL OR CAREER AND TECHNOLOGY CENTER, TO PROVIDE ACADEMIC AND EXPERIENCE

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REQUIREMENTS FOR THESE NONCERTIFIED TEACHERS, AND TO PROVIDE RELATED REQUIREMENTS CONCERNING THE REGISTRATION AND TERMINATION OF THESE NONCERTIFIED TEACHERS.

Very respectfully,
Speaker of the House

Received as information.

**H. 3590--SENATE INSISTS ON THEIR AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

H. 3590 -- Reps. Allison and Lucas: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-18-1115 SO AS TO PROVIDE PUBLIC SCHOOL DISTRICTS MAY HIRE NONCERTIFIED TEACHERS FOR ANY SCHOOLS AND CAREER AND TECHNOLOGY CENTERS THAT HAVE VACANT TEACHING POSITIONS FIVE BUSINESS DAYS BEFORE THE BEGINNING OF THE SCHOOL YEAR, TO PROVIDE THESE NONCERTIFIED TEACHERS MAY COMPRISE NO MORE THAN TWENTY-FIVE PERCENT OF THE ENTIRE TEACHING STAFF OF A SCHOOL OR CAREER AND TECHNOLOGY CENTER, TO PROVIDE ACADEMIC AND EXPERIENCE REQUIREMENTS FOR THESE NONCERTIFIED TEACHERS, AND TO PROVIDE RELATED REQUIREMENTS CONCERNING THE REGISTRATION AND TERMINATION OF THESE NONCERTIFIED TEACHERS.

On motion of Senator MALLOY, the Senate insisted upon its amendments to H. 3590 and asked for a Committee of Conference.

Whereupon, Senators HUTTO, HEMBREE and TURNER were appointed to the Committee of Conference on the part of the Senate and a message was sent to the House accordingly.

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

CARRIED OVER

S. 1095 -- Senators Climer, Massey, Verdin, Kimbrell, M. Johnson, McElveen and Fanning: A BILL TO AMEND ARTICLE 1, CHAPTER 119, TITLE 59 OF THE 1976 CODE, RELATING TO CLEMSON UNIVERSITY'S ORGANIZATION, POWERS, PROPERTY,

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INCOME AND THE LIKE, TO PROVIDE THAT ALL OF THE REGULATIONS PROMULGATED BY THE DIVISION OF REGULATORY AND PUBLIC SERVICE PROGRAMS MUST BE PROMULGATED IN ACCORDANCE WITH THE ADMINISTRATIVE PROCEDURES ACT; AND TO AMEND SECTIONS 46-1-140, 46-9-50, 46-10-30, 46-13-30, 46-23-90, 46-25-40, 46-25-45, 46-26-160, 46-35-10, 46-37-20, AND 46-37-25 TO CONFORM TO THE REQUIREMENT THAT ALL REGULATIONS PROMULGATED BY THE DIVISION OF REGULATORY AND PUBLIC SERVICE PROGRAMS MUST BE PROMULGATED IN ACCORDANCE WITH THE ADMINISTRATIVE PROCEDURES ACT.

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

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

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

S. 659 -- Senator Shealy: A BILL TO AMEND SECTION 44-48-40(B) OF THE 1976 CODE, RELATING TO THE EFFECTIVE DATE OF PAROLE OR RELEASE, TO PROVIDE AN EFFECTIVE DATE FOR SUPERVISED REENTRY FOR A PERSON CONVICTED OF A SEXUALLY VIOLENT OFFENSE; TO AMEND SECTION 44-48-50 OF THE 1976 CODE, RELATING TO THE MULTIDISCIPLINARY TEAM, APPOINTMENTS, THE REVIEW OF RECORDS, AND THE MEMBERSHIP OF THE MULTIDISCIPLINARY TEAM, TO PROVIDE FOR AN ASSESSMENT OF WHETHER OR NOT THERE IS PROBABLE CAUSE TO BELIEVE THAT A PERSON SATISFIES THE DEFINITION OF A SEXUALLY VIOLENT PREDATOR, TO PROVIDE REPORTING REQUIREMENTS, AND TO PROVIDE FOR THE MEMBERSHIP OF THE MULTIDISCIPLINARY TEAM; TO AMEND SECTION 44-48-80(D) OF THE 1976 CODE, RELATING TO TAKING A PERSON INTO CUSTODY, HEARINGS, AND EVALUATIONS, TO PROVIDE FOR AN EVALUATION BY A COURT-APPOINTED QUALIFIED EVALUATOR WITHIN A CERTAIN TIME PERIOD, TO PROVIDE FOR AN INDEPENDENT EVALUATION BY AN INDEPENDENT QUALIFIED EVALUATOR WITHIN A CERTAIN TIME PERIOD, AND TO PROVIDE FOR AN EXTENSION IN EXTRAORDINARY CIRCUMSTANCES; TO AMEND SECTION 44-48-90(B) AND (C) OF THE 1976 CODE,

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RELATING TO A TRIER OF FACT, THE CONTINUATION OF A TRIAL, THE ASSISTANCE OF COUNSEL, THE ACCESS OF EXAMINERS TO A PERSON, AND THE PAYMENT OF EXPENSES, TO MAKE CONFORMING CHANGES, TO PROVIDE THAT CERTAIN CASES SHALL BE GIVEN PRIORITY STATUS, AND TO PROVIDE FOR COUNSEL AND THE PAYMENT AND COSTS FOR AN INDEPENDENT QUALIFIED EVALUATOR FOR AN INDIGENT PERSON; TO AMEND SECTION 44-48-100(B) OF THE 1976 CODE, RELATING TO PERSONS INCOMPETENT TO STAND TRIAL, TO PROVIDE THAT A COURT SHALL CONDUCT A NON-JURY HEARING FOR A PERSON CHARGED WITH A SEXUALLY VIOLENT OFFENSE WHO HAS BEEN FOUND INCOMPETENT TO STAND TRIAL, WHO IS ABOUT TO BE RELEASED, AND WHOSE COMMITMENT IS SOUGHT; TO AMEND SECTION 44-48-110 OF THE 1976 CODE, RELATING TO THE PERIODIC MENTAL EXAMINATION OF COMMITTED PERSONS, REPORTS, PETITIONS FOR RELEASE, HEARINGS, AND TRIALS TO CONSIDER RELEASE, TO MAKE CONFORMING CHANGES, TO PROVIDE FOR AN EVALUATION BY A DEPARTMENT OF MENTAL HEALTH-DESIGNATED QUALIFIED EVALUATOR WITHIN A CERTAIN TIME PERIOD AND UNDER CERTAIN CONDITIONS, AND TO PROVIDE FOR PERIODIC REVIEW HEARINGS AND THE PRESENCE OF THE RESIDENT AND THE DEPARTMENT OF MENTAL HEALTH-DESIGNATED QUALIFIED EVALUATOR AT HEARINGS; TO AMEND CHAPTER 48, TITLE 44 OF THE 1976 CODE, RELATING TO THE SEXUALLY VIOLENT PREDATOR ACT, BY ADDING SECTION 44-48-115, TO PROVIDE THAT A RESIDENT SHALL HAVE THE RIGHT TO CHALLENGE COMMITMENT UNDER CERTAIN CIRCUMSTANCES AND TO PROVIDE CERTAIN CONDITIONS THEREOF; TO AMEND SECTION 44-48-120(B) OF THE 1976 CODE, RELATING TO HEARINGS ORDERED BY A COURT, EXAMINATION BY A QUALIFIED EXPERT, AND THE BURDEN OF PROOF, TO MAKE CONFORMING CHANGES, TO PROVIDE FOR THE PRESENCE OF A DEPARTMENT OF MENTAL HEALTH-DESIGNATED QUALIFIED EVALUATOR AT A HEARING OR TRIAL, AND TO PROVIDE THAT A RESIDENT MAY SEEK ANOTHER EVALUATION AT HIS OWN EXPENSE; TO AMEND SECTION 44-48-150 OF THE 1976 CODE, RELATING TO EVIDENTIARY RECORDS AND A COURT ORDER TO OPEN SEALED RECORDS,

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TO PROVIDE FOR THE RELEASE OF RECORDS TO THE ATTORNEY GENERAL AND COUNSEL OF RECORD; TO AMEND SECTION 24-21-32(C) OF THE 1976 CODE, RELATING TO REENTRY SUPERVISION AND REVOCATION, TO PROVIDE THAT CERTAIN INMATES ARE NOT ELIGIBLE FOR SUPERVISED RE-ENTRY UNTIL THE RESOLUTION OF CERTAIN PROCEEDINGS; AND TO DEFINE NECESSARY TERMS.

S. 1092 -- Senator Martin: A BILL TO AMEND SECTION 23-23-60, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ISSUANCE OF CERTIFICATES OF COMPLIANCE AND QUALIFICATION TO LAW ENFORCEMENT OFFICERS AND PERSONS TRAINED BY THE CRIMINAL JUSTICE ACADEMY, AND THE LAW ENFORCEMENT TRAINING COUNCIL'S AUTHORITY TO OVERSEE THE OPERATION OF THE TRAINING OF LAW ENFORCEMENT OFFICERS AND RECEIPT OF CERTAIN INFORMATION FROM GOVERNING BODIES ABOUT CANDIDATES SEEKING CERTIFICATION, SO AS TO PROVIDE DETENTION AND CORRECTIONAL OFFICER CANDIDATES MUST BE AT LEAST EIGHTEEN YEARS OF AGE.

AMENDMENT PROPOSED, OBJECTION

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

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The Senate proceeded to a consideration of the Bill.

Senator FANNING proposed the following amendment (923MF1):

Amend the bill, as and if amended, SECTION 1, by adding an appropriately numbered subitem to Section 59-1-465 (B) to read:

/ () Nothing in this section requires events to occur during the school day. /

Amend the bill further, as and if amended, SECTION 2, by adding an appropriately numbered subitem to Section 53-3-150(B) to read:

/ () Nothing in this section requires events to occur during the school day. /

Renumber sections to conform.

Amend title to conform.

Senator FANNING explained the amendment.

Senator MASSEY objected to further consideration of the Bill.

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

S. 295 -- Senators Climer, Fanning, Bennett and Allen: A BILL TO AMEND ARTICLE 1, CHAPTER 1, TITLE 40 OF THE 1976 CODE, RELATING TO BOARD REGULATION OF PROFESSIONS AND OCCUPATIONS, BY ADDING SECTION 40-1-75 AND SECTION 40-1-77, TO PROVIDE THAT PROFESSIONAL BOARDS AND COMMISSIONS MAY NOT SOLELY DENY A LICENSE APPLICATION BASED UPON AN APPLICANT'S PRIOR CRIMINAL CONVICTION UNLESS THE CONVICTION IS FOR A CRIME THAT DIRECTLY RELATES TO THE DUTIES AND RESPONSIBILITIES FOR THE SPECIFIC OCCUPATION OR PROFESSIONAL LICENSE BEING SOUGHT, TO PROVIDE THAT BOARDS AND COMMISSIONS MUST IDENTIFY CRIMES THAT WOULD LEAD TO AN AUTOMATIC DISQUALIFICATION FROM LICENSURE, TO PROVIDE THAT AN APPLICANT MAY OBTAIN A DETERMINATION FROM THE APPROPRIATE BOARD OR COMMISSION CONCERNING WHETHER HIS PRIOR CRIMINAL CONVICTION IS A DISQUALIFYING CONVICTION, TO PROVIDE NOTICE TO APPLICANTS WHO SEEK SUCH A DETERMINATION, TO PROVIDE FOR LICENSURE BY BOARDS AND COMMISSIONS FOR APPLICANTS WHO COMPLETE

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CERTAIN APPRENTICESHIP PROGRAMS, AND TO DEFINE NECESSARY TERMS.

The Senate proceeded to a consideration of the Bill.

The Committee on Labor, Commerce and Industry proposed the following amendment (295R002.KMM.TD), which was adopted:

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

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

“Section 40-1-75. (A)(1) A regulatory board or commission may not solely or in part deny a license to an applicant because of a prior criminal conviction, unless the criminal conviction directly relates to the duties and responsibilities of the occupation or profession for which the applicant is seeking a license. Regulatory boards and commissions are prohibited from using vague or generic terms, including, but not limited to, ‘moral turpitude’ or ‘good character,’ and from considering arrests without a subsequent conviction as a justification for denying an applicant a license.

(2) An applicant who has completed relevant pre-licensing requirements may not be denied a license unless the appropriate regulatory board or commission has given the applicant an opportunity to appear at a hearing to determine applicant’s fitness for the occupation or profession. The hearing must be scheduled within ninety days of the appropriate board or commission receiving notice that all relevant pre-licensing requirements have been completed.

(B)(1) In determining whether an applicant with a directly related criminal conviction shall be denied a license, the relevant regulatory board or commission shall apply a preponderance of the evidence standard that the applicant would pose a threat to public safety. The board or commission shall make its determination based upon the following factors:

(a) the nature and severity of the crime for which the applicant was convicted;

(b) the length of time since his conviction;

(c) the direct relationship of the crime to the ability, capacity, and fitness required to perform the duties and discharge the responsibilities of the occupation or profession;

(d) evidence of rehabilitation or treatment undertaken by the applicant that may mitigate the relationship of the crime to the ability,

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capacity, and fitness required to perform the duties and discharge the responsibilities of the occupation or profession; and

(e) any combination of the relevant factors identified in this subsection that the regulatory board or commission determines is necessary considering the totality of the circumstances.

(2) If a regulatory board or commission denies a license application solely or in part because of the applicant's prior conviction of a crime, then the regulatory board or commission must notify the applicant in writing of its decision. The notice shall provide:

(a) the grounds for the denial;

(b) notice that the individual has the right to a hearing to challenge the denial;

(c) the earliest date that the applicant may again apply for licensure; and

(d) a statement that evidence of rehabilitation may be considered upon reapplication.”

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

/ “Section 40-1-77. (A) This section may be cited and referred to as the ‘Earn and Learn Act of 2022.’

(B) The purpose of this section is to expand economic opportunities and build a skilled workforce according to industry standards by allowing a worker to earn a paycheck while he fulfills applicable licensing requirements.

(C) For the purposes of this section:

(1) ‘Apprenticeship’ means a United States Department of Labor approved registered apprenticeship or industry recognized apprenticeship that encompasses an occupation or profession licensed by a South Carolina regulatory board or commission.

(2) ‘Board’ means a government board, agency, department, or other governmental entity that regulates a profession or occupation and issues a license to an individual. This definition of ‘board’ does not include boards and commissions established and operating pursuant to Chapter 15, Title 54.

(3) ‘License’ means a license, certificate, registration, permit, or other evidence that an individual is qualified to engage in an occupation or profession before that person may engage in or represent himself as a member of an occupation or profession.

(4) ‘Scope of practice’ means the procedures, actions, processes, and work that a person may perform pursuant to a license issued by an occupation’s or profession’s regulatory board.

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program that meets federal guidelines as provided in 29 C.F.R. Part 29 and 29 U.S.C. Section 50.

(D) A board shall issue a license to an applicant, if the applicant:

(1) completes an apprenticeship in an occupation or profession that has a similar scope of practice, as determined by the board, to an occupation or profession regulated by this State through license requirements;

(2) successfully passes requisite examinations; and

(3) pays all applicable fees.

(E) A license issued pursuant to this section is subject to the same provisions of law governing a license for the occupation or profession.

(F) A board shall not require an applicant pursuant to this section to complete an apprenticeship for a greater duration of time than that is required pursuant to federal law.

(G) A board may require an applicant pursuant to this section to successfully pass an examination only if the board imposes the same examination requirement on other license applicants. A board shall not require an applicant pursuant to this section to receive a higher score on an examination than the score required of other license applicants.

(H) A board may require an applicant pursuant to this section to pay a licensing fee only if the board imposes a licensing fee on other license applicants. A board shall not impose on an applicant pursuant to this section a licensing fee greater than the licensing fee imposed on other applicants.

(I) A board shall promulgate regulations necessary for the implementation of this act.”

SECTION 3. Section 40-1-140 of the 1976 Code, relating to the effect of prior convictions on license applications for professions and occupations, is repealed.

SECTION 4. This act takes effect January 1, 2024.

Renumber sections to conform.

Amend title to conform.

Senator CLIMER explained the amendment.

The amendment was adopted.

Senator CLIMER proposed the following amendment (295R003.KMM.WC), which was adopted:

Amend the bill, as and if amended, by striking Section 40-1-75(A) and inserting:

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/ “Section 40-1-75. (A)(1) A regulatory board or commission may not solely or in part deny a license to an applicant because of a prior criminal conviction, unless the criminal conviction directly relates to the duties and responsibilities of the occupation or profession for which the applicant is seeking a license. Regulatory boards and commissions are prohibited from using vague or generic terms including, but not limited to, ‘moral turpitude’ or ‘good character’, and from considering arrests without a subsequent conviction as a justification for denying an applicant a license.

(2) An applicant who has completed relevant pre-licensing requirements may not be denied a license unless the appropriate regulatory board or commission has given the applicant an opportunity to appear at a hearing to determine the applicant’s fitness for the occupation or profession. The hearing must include specific references to which crimes, if any, the board or commission is considering in relation to the applicant’s fitness. The hearing must be scheduled within ninety days of the appropriate board or commission receiving notice that all relevant pre-licensing requirements have been completed. /

Renumber sections to conform.

Amend title to conform.

Senator CLIMER explained the amendment.

The amendment was adopted.

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

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

Ayes 44; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Goldfinch	Grooms
Gustafson	Harpootlian	Hembree
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Kimpson	Loftis
Malloy	Martin	Massey
Matthews	McElveen	McLeod

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Peeler	Rankin	Rice
Sabb	Scott	Senn
Setzler	Shealy	Stephens
Talley	Turner	Verdin
Williams	Young	

Total--44

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. 976 -- Senator Jackson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 37-6-513 SO AS TO ALLOW THE DEPARTMENT OF CONSUMER AFFAIRS TO UTILIZE FUNDS AND FEES PAID TO THE DEPARTMENT OF CONSUMER AFFAIRS; AND BY ADDING SECTION 37-6-610 SO AS TO ALLOW THE DEPARTMENT OF CONSUMER AFFAIRS TO CARRY FORWARD CERTAIN FUNDS.

The Senate proceeded to a consideration of the Bill.

Senator MALLOY spoke on the Bill.

Senator JACKSON spoke on the Bill.

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

CARRIED OVER

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

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The Senate proceeded to a consideration of the Resolution.

Senator MALLOY explained the Resolution.

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

CARRIED OVER

S. 366 -- Senators Talley, Hutto and Malloy: A BILL TO AMEND SECTION 42-15-60, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE TIME PERIOD MEDICAL TREATMENT AND SUPPLIES ARE FURNISHED, SO AS TO CLARIFY THAT MEDICAL TREATMENT AND SUPPLIES ARE FURNISHED FOR ANY ADDITIONAL TIME THAT THE JUDGMENT OF THE WORKERS' COMPENSATION COMMISSION ESTABLISHED, BY THE PREPONDERANCE OF EVIDENCE CONTAINED IN THE MEDICAL RECORDS OR BY THE OPINION OF A MEDICAL PROVIDER, WILL LESSEN THE PERIOD OF DISABILITY; AND TO AMEND SECTION 42-17-40, RELATING TO THE CONDUCT OF A WORKERS' COMPENSATION COMMISSION HEARING SO AS TO PROVIDE THAT MEDICAL RECORDS AND OPINIONS OF MEDICAL PROVIDERS ARE ADMISSIBLE WITHOUT REGARD TO THE RULES OF EVIDENCE.

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

CARRIED OVER

S. 471 -- Senators Rankin and Sabb: A BILL TO AMEND SECTION 14-7-1050, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO JURY VOIR DIRE, SO AS TO PROVIDE FOR ATTORNEY CONDUCTED JURY VOIR DIRE BY ORAL AND DIRECT QUESTIONING; TO AMEND SECTION 14-7-1060, RELATING TO THE DRAWING OF A JURY PANEL, SO AS TO PROVIDE THAT THE NUMBER OF JURORS TO BE DRAWN IS WITHIN THE DISCRETION OF THE TRIAL JUDGE; AND TO AMEND SECTION 14-7-1080, RELATING TO THE DRAWING OF A SECOND JURY PANEL, SO AS TO DELETE THE REQUIREMENT THAT THE PANEL MUST BE MADE UP OF TWENTY JURORS.

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

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CARRIED OVER

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

The Senate proceeded to a consideration of the Bill.

Senator CAMPSEN explained the Bill.

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

OBJECTION

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

Senator MATTHEWS objected to consideration of the Bill.

OBJECTION

S. 721 -- Senators Alexander and Grooms: A BILL TO AMEND ARTICLE 1, CHAPTER 5, TITLE 56 OF THE 1976 CODE, RELATING TO THE UNIFORM ACT REGULATING TRAFFIC ON HIGHWAYS, BY ADDING SECTION 56-5-100, TO PROVIDE THAT THE IMPLEMENTATION OR USE OF A MOTOR CARRIER SAFETY IMPROVEMENT THAT IS REQUIRED BY A COMPANY ENGAGING IN THE OPERATION OF A COMMERCIAL MOTOR VEHICLE SHALL NOT BE CONSIDERED IN ANY EVALUATION OF AN INDIVIDUAL'S STATUS AS AN EMPLOYEE, JOINT EMPLOYEE, OR INDEPENDENT CONTRACTOR OF THE COMPANY UNDER STATE LAW; AND TO DEFINE NECESSARY TERMS.

Senator SABB objected to consideration of the Bill.

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CARRIED OVER

S. 1175 -- Fish, Game and Forestry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF NATURAL RESOURCES, RELATING TO WILDLIFE MANAGEMENT AREA REGULATIONS, DESIGNATED AS REGULATION DOCUMENT NUMBER 5072, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

The Senate proceeded to a consideration of the Resolution.

Senator CAMPSSEN explained the Resolution.

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

COMMITTEE AMENDMENT ADOPTED

CARRIED OVER

H. 3037 -- Reps. Garvin, Robinson, Cobb-Hunter, Hosey, J.L. Johnson, Matthews, S. Williams, Rivers, Jefferson, R. Williams, Govan and King: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 56-3-117 SO AS TO PROVIDE THE DEPARTMENT OF MOTOR VEHICLES MAY ADD A NOTATION TO A PRIVATE PASSENGER-CARRYING MOTOR VEHICLE REGISTRATION TO INDICATE THE VEHICLE OWNER OR AN OCCUPANT OF THE VEHICLE SUFFERS FROM CERTAIN MEDICAL CONDITIONS AND TO PROVIDE THE CRIMINAL JUSTICE ACADEMY SHALL OFFER COURSES TO TRAIN LAW ENFORCEMENT OFFICERS ON HANDLING SITUATIONS THAT MAY ARISE FROM THE ENFORCEMENT OF THIS PROVISION.

The Senate proceeded to a consideration of the Bill.

The Committee on Transportation proposed the following amendment (3037R001.KMM.LKG), which was adopted:

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

/ SECTION 1. A. Section 56-1-80(A) of the 1976 Code is amended to read:

“Section 56-1-80. (A) An application for a driver’s license or permit must:

- (1) be made upon the form furnished by the department;

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(2) be accompanied by the proper fee and acceptable proof of date and place of birth;

(3) contain the full name, date of birth, sex, race, and residence address of the applicant and briefly describe the applicant;

(4) state whether the applicant has been licensed as an operator or chauffeur and, if so, when and by what state or country;

(5) state whether a license or permit has been suspended or revoked or whether an application has been refused and, if so, the date of and reason for the suspension, revocation, or refusal;

(6) allow an applicant voluntarily to disclose a permanent medical condition, provided that the disclosure is made on a form prescribed by the department and includes a certification from a physician licensed in this State, as defined in Chapter 47, Title 40, that affirms the existence of the medical condition. ~~which~~ The medical condition must be indicated by a symbol designated by the department on the driver's license and contained in the driver's record. The motor vehicle record of a driver may not contain more than three permanent medical conditions unless subitem (A)(8) applies;

(7) allow an applicant voluntarily to disclose that he is an organ and tissue donor, which must be indicated by a symbol designated by the department on the driver's license and contained in the driver's record; ~~and~~

(8) allow an applicant voluntarily to disclose that he is autistic, which must be indicated by a symbol designated by the department on the driver's license and contained in the driver's record. The applicant must provide documentation that he is autistic from a physician licensed in this State, as defined in Section 40-47-20(35); and

(9) include a statement that state and federal law may require the department to release certain driver's license and driver's record information, including medical conditions, under certain circumstances."

B. This SECTION takes effect July 1, 2022.

SECTION 2. A. Section 56-1-3350(A) of the 1976 Code is amended to read:

/ "Section 56-1-3350. (A) Upon application by a person five years of age or older, who is a resident of South Carolina, the department shall issue a special identification card ~~as long as~~ provided that the:

(1) application is made on a form approved and furnished by the department;

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(2) applicant presents to the person issuing the identification card a birth certificate or other evidence acceptable to the department of his name and date of birth; and

(3) applicant, who wishes to obtain a special identification card that indicates the applicant is autistic, complies with subsections (A)(1) and (2) and provides documentation that he is autistic from a physician licensed in this State, as defined in ~~Section 40-47-20(35)~~ Chapter 47, Title 40. The special identification requested must be indicated by a symbol designated by the department on the person's special identification card.

(4) applicant, who wishes to obtain a special identification card that indicates the applicant has voluntarily disclosed a permanent medical condition, complies with subsection (A)(1) and (2), and provides documentation of the medical condition from a physician licensed in this State, as defined in Chapter 47, Title 40. The record of an identification card holder may not contain more than three permanent medical conditions unless subitem (A)(3) applies. The record of an identification card holder, including medical conditions, may be released under certain circumstances in accordance with state and federal law."

B. This SECTION takes effect one year after the approval by the Governor.

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

Re-number sections to conform.

Amend title to conform.

Senator BENNETT explained the amendment.

The amendment was adopted.

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

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

CARRIED OVER

H. 3729 -- Reps. Sandifer and Cogswell: A BILL TO AMEND SECTION 16-11-760, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO VEHICLES PARKED ON PRIVATE PROPERTY WITHOUT PERMISSION, SO AS TO PROVIDE THAT ONLY CERTAIN STORAGE COSTS MAY BE CHARGED TO THE OWNER AND LIENHOLDER OF A VEHICLE FOUND PARKED ON PRIVATE PROPERTY WITHOUT PERMISSION; TO AMEND

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SECTION 29-15-10, RELATING TO LIENS FOR STORAGE, SO AS TO PROHIBIT THE COLLECTION OF STORAGE COSTS BY A TOWING COMPANY, STORAGE FACILITY, GARAGE, OR REPAIR SHOP PRIOR TO THE PERSON SENDING NOTICE TO THE OWNER AND LIENHOLDER; TO AMEND SECTION 56-5-5630, RELATING TO PAYMENTS FOR THE RELEASE OF ABANDONED VEHICLES, SO AS TO PROVIDE THAT A TOWING COMPANY AND STORAGE FACILITY MAY NOT CHARGE ANY STORAGE COSTS BEFORE NOTICE IS SENT TO THE OWNER AND LIENHOLDER; TO AMEND SECTION 56-5-5635, RELATING TO LAW ENFORCEMENT TOWING AND STORAGE PROCEDURES, SO AS TO PROVIDE THAT A TOWING COMPANY, STORAGE FACILITY, GARAGE, OR REPAIR SHOP MAY NOT CHARGE ANY STORAGE COSTS BEFORE NOTICE IS SENT TO THE OWNER AND LIENHOLDER; AND TO AMEND SECTION 56-5-5640, RELATING TO THE SALE OF UNCLAIMED VEHICLES, SO AS TO PROVIDE A REFERENCE.

The Senate proceeded to a consideration of the Bill.

Senator BENNETT explained the Bill.

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

**COMMITTEE AMENDMENT ADOPTED
READ THE SECOND TIME**

H. 3730 -- Reps. R. Williams, Jefferson, Gilliard and Murray: A BILL TO AMEND SECTION 56-5-2710, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO A DRIVER OF A MOTOR VEHICLE OBEYING A SIGNAL THAT INDICATES AN APPROACHING TRAIN, SO AS TO PROVIDE ADDITIONAL CIRCUMSTANCES THAT REQUIRE A DRIVER TO STOP A VEHICLE APPROACHING A RAILROAD GRADE CROSSING.

The Senate proceeded to a consideration of the Bill.

The Committee on Transportation proposed the following amendment (3730R001.KMM.LKG), which was adopted:

Amend the bill, as and if amended, by striking SECTION 2 in its entirety.

Re-number sections to conform.

Amend title to conform.

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Senator BENNETT explained the amendment.

The amendment was adopted.

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

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

Ayes 45; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
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	Martin
Massey	Matthews	McElveen
McLeod	Peeler	Rankin
Rice	Sabb	Scott
Senn	Setzler	Shealy
Stephens	Talley	Turner
Verdin	Williams	Young

Total--45

NAYS

Total--0

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

READ THE SECOND TIME

H. 3889 -- Rep. Hewitt: A BILL TO AMEND SECTION 50-21-860, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO RESTRICTIONS ON THE USE OF AIRBOATS, SO AS TO PROHIBIT THE OPERATION OF AN AIRBOAT ON CERTAIN

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RIVERS IN GEORGETOWN AND HORRY COUNTIES DURING THE SEASON FOR HUNTING DUCK.

The Senate proceeded to a consideration of the Bill.

Senator CAMPSSEN explained the Bill.

Senator GOLDFINCH spoke on the Bill.

The question then being second reading of the Bill.

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

Ayes 45; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
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	Martin
Massey	Matthews	McElveen
McLeod	Peeler	Rankin
Rice	Sabb	Scott
Senn	Setzler	Shealy
Stephens	Talley	Turner
Verdin	Williams	Young

Total--45

NAYS

Total--0

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

CARRIED OVER

H. 4177 -- Reps. Lowe, Pope and Ligon: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING

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

The Senate proceeded to a consideration of the Bill.

Senator CAMPSSEN explained the Bill.

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

**COMMITTEE AMENDMENT ADOPTED
CARRIED OVER**

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

The Senate proceeded to a consideration of the Bill.

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The Committee on Transportation proposed the following amendment (4319R001.KMM.LKG), which was adopted:

Amend the bill, as and if amended, on page 3, by adding appropriately numbered new SECTIONS to read:

/ SECTION __. Section 56-1-50(D) of the 1976 Code is amended to read:

“(D) A beginner's permit may be renewed or a new permit issued for additional periods of twelve months. However, the department may refuse to renew or issue a new permit where the examining officer has reason to believe the applicant has not made a bona fide effort to pass the required driver's road test or does not appear to the examining officer to have the aptitude to pass the road test. The fee for every beginner's or renewal permit is two dollars and fifty cents, and the permit must bear the full name, date of birth, and residence address and a brief description and ~~color~~ unobstructed photograph of the permittee and a facsimile of the signature of the permittee or a space upon which the permittee shall write his usual signature with pen and ink immediately upon receipt of the permit. A permit is not valid until it has been signed by the permittee.”

SECTION __. Section 56-1-2100(A)(2) of the 1976 Code is amended to read:

(2) the person's ~~color~~ unobstructed photograph;

SECTION __. Section 56-1-3370 of the 1976 Code is amended to read:

Section 56-1-3370. The special identification card issued pursuant to this article shall be similar in size, shape, and design to a motor vehicle driver's license, including a ~~color~~ unobstructed photograph of the person to whom it is issued. Provided, however, that the card shall be readily distinguishable from a driver's license by a difference in color, and there shall be printed on the face of such card a statement that the card does not enable the person to whom it is issued to operate a motor vehicle.

SECTION __. This act takes effect on the first Wednesday occurring two weeks after the Governor's approval. /

Renumber sections to conform.

Amend title to conform.

Senator BENNETT explained the amendment.

The amendment was adopted.

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

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

READ THE SECOND TIME

H. 4618 -- Reps. Morgan and R. Williams: A BILL TO AMEND SECTION 56-5-2720, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO REQUIRING CERTAIN VEHICLES TO STOP BEFORE CROSSING ANY RAILROAD TRACKS, SO AS TO REVISE THE TYPES OF VEHICLES SUBJECT TO THIS SECTION, AND TO DEFINE THE TERM "BUS".

The Senate proceeded to a consideration of the Bill.

Senator BENNETT explained the Bill.

The question then being second reading of the Bill.

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

Ayes 45; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
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	Martin
Massey	Matthews	McElveen
McLeod	Peeler	Rankin
Rice	Sabb	Scott
Senn	Setzler	Shealy
Stephens	Talley	Turner
Verdin	Williams	Young

Total--45

NAYS

Total--0

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

READ THE SECOND TIME

H. 4904 -- Rep. Hixon: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 50-11-90 SO AS TO ALLOW THE DEPARTMENT OF NATURAL RESOURCES TO OBTAIN AND USE SCHEDULE III NONNARCOTICS AND SCHEDULE IV CONTROLLED SUBSTANCES FOR WILDLIFE MANAGEMENT; AND TO AMEND SECTION 47-3-420, RELATING TO METHODS OF ANIMAL EUTHANASIA, SO AS TO REMOVE REFERENCES TO THE DEPARTMENT OF NATURAL RESOURCES.

The Senate proceeded to a consideration of the Bill.

Senator CAMPSSEN explained the Bill.

The question then being second reading of the Bill.

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

Ayes 45; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
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	Martin
Massey	Matthews	McElveen
McLeod	Peeler	Rankin
Rice	Sabb	Scott
Senn	Setzler	Shealy
Stephens	Talley	Turner
Verdin	Williams	Young

Total--45

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NAYS

Total--0

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

READ THE SECOND TIME

H. 4906 -- Rep. Hixon: A BILL TO AMEND SECTION 50-11-105, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO WILDLIFE DISEASE CONTROL, SO AS TO ALLOW THE DEPARTMENT OF NATURAL RESOURCES TO TAKE ACTION REGARDING WILDLIFE DISEASE CONTROL.

The Senate proceeded to a consideration of the Bill.

Senator CAMPSSEN explained the Bill.

The question then being second reading of the Bill.

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

Ayes 45; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
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	Martin
Massey	Matthews	McElveen
McLeod	Peeler	Rankin
Rice	Sabb	Scott
Senn	Setzler	Shealy
Stephens	Talley	Turner
Verdin	Williams	Young

Total--45

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NAYS

Total--0

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

READ THE SECOND TIME

H. 4907 -- Rep. Hixon: A BILL TO AMEND SECTION 50-1-30, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEFINITION OF FRESHWATER GAME FISH, SO AS TO INCLUDE ALL BLACK BASS AND TROUT HYBRIDS; TO AMEND SECTION 50-13-10, RELATING TO DEFINITIONS, SO AS TO DEFINE "LANDING NET (DIP NET)" AND TO ADD BARTRAM'S BASS, ALABAMA BASS, AND TROUT HYBRIDS; TO AMEND SECTION 50-13-80, RELATING TO TAKING FISH BY SNAGGING, SO AS TO PROHIBIT ALL TAKING OF FISH BY SNAGGING; TO AMEND SECTION 50-13-210, RELATING TO DAILY POSSESSION LIMITS, SO AS TO ADD BARTRAM'S BASS AND ALABAMA BASS; TO AMEND SECTION 50-13-310, RELATING TO GAME FISH CAUGHT WITH NETS AND OTHER NONGAME FISHING DEVICES, SO AS TO ALLOW FOR THE TAKING OF GAME FISH WITH A LANDING NET; TO AMEND SECTION 50-13-620, RELATING TO FLOATING MARKERS FOR FISHING DEVICES, SO AS TO REQUIRE THE INSPECTION OR REMOVAL OF A TROTLINE AFTER TWENTY-FOUR HOURS; TO AMEND SECTION 50-13-635, RELATING TO PERMISSIBLE FISHING DEVICES, SO AS TO ALLOW FOR THE USE OF A LANDING NET; TO AMEND SECTION 50-13-670, AS AMENDED, RELATING TO THE POSSESSION OF GAME FISH, SO AS TO PROVIDE THAT THE SECTION DOES NOT APPLY TO THE USE OF A LANDING NET; TO AMEND SECTION 50-13-675, AS AMENDED, RELATING TO PERMITTED NONGAME FISHING DEVICES, SO AS TO INCLUDE LANDING NETS, AMONG OTHER THINGS; AND TO AMEND SECTION 50-13-1610, RELATING TO THE PROHIBITION OF THE SALE OR TRAFFIC OF CERTAIN GAME FISH, SO AS TO PROHIBIT CERTAIN ACTIVITIES RELATED TO THE TAKING OF FISH FROM THE FRESHWATERS OF THIS STATE.

The Senate proceeded to a consideration of the Bill.

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Senator CAMPSEN explained the Bill.

The question then being second reading of the Bill.

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

Ayes 45; Nays 0

AYES

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

Total--45

NAYS

Total--0

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

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

MOTION ADOPTED

At 3:39 P.M., on motion of Senator MASSEY, the Senate agreed to dispense with the balance of the Motion Period.

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THE SENATE PROCEEDED TO THE SPECIAL ORDERS.

**AMENDMENT PROPOSED
DEBATE INTERRUPTED**

S. 935 -- Senators Grooms, Loftis, Goldfinch, Verdin, Rice, Cash, Adams, Climer, Peeler, Garrett, Kimbrell, Davis, Campsen, Hembree, Turner, Corbin, Bennett, Massey, Gambrell, Rankin, Senn and Gustafson: A BILL TO AMEND TITLE 59 OF THE 1976 CODE, RELATING TO EDUCATION, BY ADDING CHAPTER 8, TO PROVIDE FOR THE CREATION OF EDUCATION SCHOLARSHIP ACCOUNTS, TO PROVIDE REQUIREMENTS FOR THE ACCOUNTS, TO CREATE AN EDUCATION SCHOLARSHIP ACCOUNT FUND TO FUND THE SCHOLARSHIPS, AND TO PROVIDE RELATED REQUIREMENTS OF THE EDUCATION OVERSIGHT COMMITTEE AND THE DEPARTMENT OF ADMINISTRATION, AMONG OTHER THINGS.

The Senate proceeded to a consideration of the Bill.

The Committee on Education proposed the following amendment (935R001.KMM.GH):

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

/ SECTION 1. This act may be cited and referred to as the ‘Put Parents in Charge Act.’

SECTION 2. Title 59 of the 1976 Code is amended by adding:

“CHAPTER 8

Education Scholarship Accounts

Section 59-8-110. For purposes of this chapter:

(1) ‘Department’ means the South Carolina Department of Education.

(2) ‘Education Scholarship Account’, ‘ESA’, or ‘account’ means the individual account that is administered by the department to which funds are allocated to the parent of an ESA student to pay for qualifying expenses.

(3) ‘Eligible student’ means a student who:

(a) is a resident of this State;

(b)(i) attended a public school in this state during the previous school year;

(ii) had not yet attained the age of five on or before September first of the previous school year but who has attained the age of five on or before September of the current school year; or

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(iii) received an ESA scholarship pursuant to this chapter for the previous school year; and

(c)(i) has a statement of Medicaid eligibility;

(ii) has an IEP; or

(iii) has a sibling living in the same household who receives an ESA scholarship.

(4) 'ESA student' means an eligible student who is participating in the Education Scholarship Account program.

(5) 'IDEA' means the Individuals with Disabilities Education Act found in 20 U.S.C. Section 1400, et seq.

(6) '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.

(7) 'Education service provider' means a person or organization approved by the department that receives payments from education savings accounts to provide educational goods and services to ESA students.

(8) 'Program' means the ESA program created by this chapter.

(9) 'Resident school district' means the public school district in which the student is domiciled.

(10) 'Scholarship' means education funding allocated from an account established pursuant to this chapter.

(11) 'Substantial misuse' means willfully and knowingly receiving or spending any portion of a scholarship for any purpose other than a qualifying expense.

(12) 'Qualifying expense' means:

(a) tuition and fees of an education service provider;

(b) textbooks, curriculum, or other instructional materials, including, but not limited to, any supplemental materials or associated online instruction required by either a curriculum or an education service provider;

(c) tutoring services approved by the department;

(d) computer hardware or other technological devices that are used primarily for an ESA student's educational needs and approved by the department or a licensed physician;

(e) tuition and fees for an approved nonpublic online education service provider or course;

(f) fees for approved:

(1) national norm-referenced examinations, advanced placement examinations, or similar assessments;

(2) industry certification exams; or

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(3) examinations related to college or university admission;

(g) educational services for pupils with disabilities from a licensed or accredited practitioner or provider including, but not limited to, occupational, behavioral, physical, and speech-language therapies;

(h) approved contracted services from a public school district, including individual classes, after school tutoring services, transportation, or fees or costs associated with participation in extracurricular activities;

(i) contracted teaching services and education classes approved by the department;

(j) fees for transportation paid to a fee-for-service transportation provider for the ESA student to travel to and from an eligible provider as defined in this section, but not to exceed seven hundred and fifty dollars for each school year;

(k) fees for ESA account management by private financial management firms approved by the department; or

(l) any other educational expense approved by the department.

Section 59-8-115. (A) The department shall create a standard application process and establish the timeline for parents of eligible students to establish the eligibility of their student for the Education Scholarship Account program. The application window established shall last at least forty-five days, opening no later earlier than January fifteenth and closing no later than April fifteenth each calendar year.

(B) Pursuant to the timeline established pursuant to subsection (A), the department shall:

(1) process applications in the order in which they are received, after a preference has been extended to all prior-year participants and their respective siblings; and

(2) enroll and issue award letters within thirty days of the deadline for receipt of completed applications and all required documentation.

(C) Before awarding a scholarship, the department shall have obtained evidence of the student's eligibility through the card issued in the student's name from the Department of Health and Human Services for Medicaid eligibility included as applicable with application documentation.

(D) The department shall approve an application for an ESA if:

(1) the parent submits an annual application for an ESA in accordance with the application and procedures established by the department;

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

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(3) funds are available for the ESA; and

(4) the parent signs an annual agreement with the department:

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

(b) to ensure the ESA student takes assessments as referenced in Section 59-8-150 or provides assessments in a similar manner through other means if the ESA student does not receive full-time instruction from an education service provider;

(c) to use program funds for qualifying expenses only for an approved provider to educate the eligible student, subject to penalty;

(d) not to enroll their eligible student in a public school as a full-time student in the resident school district, as defined in this chapter;

(e) not to participate in a home instruction program under Sections 59-65-40, 59-65-45, or 59-65-47;

(f) to comply with the conditions and requirements of the ESA program as established by the department; and

(g) to confirm that, if the parent's child is a student with disabilities, the parent has received notice from the department that participation in the ESA program is a parental placement of the ESA student under IDEA, along with an explanation of the rights that parentally placed students possess under IDEA and any applicable state laws and regulations, including the consultation process provided for in 20 U.S.C. Section 1412(a)(10) and the Individual Education Program requirements described in Section 1414(d) of IDEA.

(E) The department shall make available on its website in a conspicuous location information in conformity with 34 C.F.R Sections 300.130 through 300.144, Assistance to States for the Education of Children with Disabilities, explaining to parents the rights of children with disabilities under IDEA both in public schools and as parentally placed students in private schools.

(F) A parent will be allowed to make payments for the cost of educational goods and services not covered by the funds in their student's ESA; however, personal deposits into an ESA are prohibited.

(G) Funds received pursuant to this section do not constitute taxable income to the parent of the ESA student or to the ESA student.

(H) A parent's signed agreement under subsection (D)(4) satisfies the state's compulsory attendance law pursuant to Section 59-65-10.

(I) The State Board of Education shall promulgate regulations for the administration of the program as may be applicable.

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(J) The department may contract with qualified organizations to administer the program application process or specific functions, maintenance, and monitoring of the program application process as required above.

Section 59-8-120. (A) There is established, at the department, the ‘South Carolina Education Scholarship Account Fund’ that is separate and distinct from the general fund, consisting of monies appropriated to the department to provide scholarships to ESA students for qualifying expenses. The fund must receive and hold all monies allocated for it as well as all earnings until disbursed as provided in this section.

(B) The department shall administer the fund and is responsible for keeping records, managing accounts, and disbursing scholarships awarded pursuant to this section.

(C) Upon approval of an eligible student’s application by the department, the State Treasurer shall transfer from the State appropriated monies allocated for the child’s education in the prior school district of the child’s domicile, or if the child is currently eligible to attend kindergarten, the State monies that would otherwise be allocated for the child’s education in the expected school district of the child’s domicile, to the department. The department shall deposit these monies into the South Carolina Education Scholarship Account Fund.

(D) The department shall create an individual online ESA account for each ESA student and transfer an amount that is equivalent to the State average of State funding per pupil in public schools for the current fiscal year as determined by the Revenue and Fiscal Affairs Office. The amount deposited shall not include federal or local funds.

(1) The parent must be able to access the online account for the ESA student using a secure portal.

(2) The ESA student account must be created within thirty days of the application approval.

(E) The department shall make payments to an ESA student’s account on a quarterly basis with the first payment being distributed by July thirty-first of each year.

(F) For the purpose of funding calculations, each eligible student who participates in the program must be counted in the enrollment figures for the resident school district in which the student is zoned to attend.

(G) By September first of each school year and again on January fifteenth and March fifteenth of the school year, the department shall compare the list of ESA students with the public school enrollment lists to avoid duplicate payments.

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(H) Education service providers may not refund, rebate, or share an ESA student's scholarship funds with a parent or the ESA student. The funds in an account may only be used for qualifying expenses as defined in this chapter and provided by the department.

(I) The department may contract with qualified organizations to administer the program.

Section 59-8-125. (A) The department shall develop an online electronic system for payment for services by participating parents. The department shall not adopt a system that requires parents to be reimbursed for out-of-pocket expenses.

(B) The General Assembly shall appropriate funds to the department for initial costs to create the program. Thereafter, the department shall deduct an amount from the grants of all accounts to cover the costs of overseeing the accounts and administering the program up to a limit of three percent. Annually, on or before December thirty-first, the department shall notify the respective Chairmen of the Senate Finance Committee and House of Representatives Ways and Means Committee regarding the amount deducted for administrative costs and an itemization of the costs incurred to administer the program for the previous school year.

(C) The department may contract with qualified vendors to manage accounts and shall establish reasonable fees for private financial management firms participating in the program based upon market rates.

(D) The department may contract with qualified organizations to administer the program or specific functions of the program.

(E) Payments made by the department must remain in force until a parent or ESA student is proven to have participated in a prohibited activity specified in this chapter, an ESA student returns to a public school in his resident public school district, or an ESA student graduates from high school or attains twenty-two years of age, whichever occurs first. An ESA student who enrolls in his resident public school district is considered to have returned to a public school for the purpose of determining the end of the term.

(F) An account is active and usable until funds are revoked by the department for substantial misuse or the ESA student leaves the program for any reason, at which time any remaining funds must revert to the program fund.

(G) Unused funds must be rolled over to the following year for an ESA student who continues to meet eligibility requirements to participate in the program.

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(H) An agreement terminates automatically if the ESA student is no longer domiciled in this State, and money remaining in the account reverts to the program fund.

(I) Only one account may be established for an eligible student.

Section 59-8-130. (A) If an ESA student's program of academic instruction is terminated for any reason before the end of the semester or school year and the ESA student does not resume instruction within thirty days, then the parent shall notify the department and remaining funds in the ESA student's account must be credited to the program fund.

(B) Any funds not expended in an ESA student's scholarship account at the end of the school year will be carried forward into the next school year and expended for the same purposes.

Section 59-8-135. (A) Beginning with the 2023-2024 School Year, the annual number of ESA students is limited by the following capacity:

(1) in School Year 2023-2024, the program is limited to five thousand ESA students;

(2) in School Year 2024-2025, the program is limited to ten thousand ESA students; and

(3) in School Year 2025-2026, and for all subsequent school years, the program is limited to fifteen thousand ESA students.

(B) In 2026, and every five years thereafter, the department shall conduct an eligibility and use review of the program and shall make recommendations to the General Assembly to improve the program.

Section 59-8-140. (A)(1) The department shall develop an application for education service providers desiring to participate in the program to submit according to the process established by the department.

(2) The department shall require an independent school that applies to be an education service provider to be located in the State, to have an educational curriculum that includes courses set forth in the state's diploma requirements and to meet the compulsory attendance and State Board of Education approval requirements in Section 59-65-10.

(3) An education service provider that participated in the program in the previous school year and which desires to participate in the program in the current school year shall reapply to the department. The education service provider reapplying shall certify to the department that it continues to meet all program requirements. An education service provider required to administer academic testing shall provide to the department test score data from the previous school year. If individual student test score data is not submitted, then the department shall remove the education service provider from the program.

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(4) By March first of each year, the department will certify the list of approved education service providers for participation in the program that meet all program requirements. The department may waive the deadline requirement upon good cause shown by an education service provider.

(5) An education service provider that is denied certification pursuant to this section may seek review by filing a request for a contested case hearing with the Administrative Law Court in accordance with the court's rules of procedure.

(6) By March fifteenth of each year, the department shall publish on its website a comprehensive list of certified education service providers. The list must include the name, address, telephone number, and website address for each education service provider.

(B) The department shall establish the process for new education service providers to participate in the program which may be added on a rolling basis, subject to the department's approval, and will be published on its website.

(C) The department may bar an education service provider from the program if the department establishes that the education service provider has:

(1) failed to comply with the accountability standards established in this section; or

(2) failed to provide the ESA student with the educational services funded by the account.

(D) The department shall create procedures to ensure that a fair process exists to determine whether an education service provider may be barred from receiving payments from accounts.

(1) If the department decides to bar an education service provider from the program, it shall notify affected students and their parents of this decision as quickly as possible.

(2) Education service providers may appeal the department's decision to bar the education service provider from receiving payments from accounts pursuant to the Administrative Procedures Act.

(E) The State Board of Education shall promulgate regulations to allow ESA students to return to their resident school districts at any time, providing the least disruptive process, and as may be necessary for applicable administration of the program.

Section 59-8-145. (A) The department shall adopt procedures to inform students that are eligible for the program and their parents annually of their ability to participate in the program.

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(B) The department shall adopt procedures to annually inform ESA students and their parents of which education service providers will be participating in the program.

(C) The department shall provide parents of an ESA student with a written explanation of the allowable uses of an account and the responsibilities of parents and the duties of the department.

(D) The department may declare that a parent is ineligible for the program due to the parent's substantial misuse of the funds in the account.

(E) The department may conduct or contract for the auditing of accounts, and shall, at a minimum, conduct random audits of accounts on an annual basis.

(F) The department may refer cases of substantial misuse of funds to law enforcement agencies for investigation if credible evidence of the fraudulent use of an account is obtained.

(G) The department may contract with one or more qualified organizations to administer some or all portions of this program.

(H) The department shall maintain a record of the number of applications received annually for the program, the number of students accepted into the program each year, the number of students not accepted into the program each year with a corresponding explanation as to why the student was not accepted into the program. The department shall compile this information and provide a report the General Assembly by December thirty-first of each year.

Section 59-8-150. (A) To ensure equitable treatment and personal safety of all ESA students, all education service providers shall:

- (1) comply with all applicable health and safety laws or codes;
- (2) hold a valid occupancy permit if required by the municipality in which the education service provider is located, if applicable;
- (3) not unlawfully discriminate on the basis of race, color, religion, or national origin; and
- (4) conduct criminal background checks on employees and exclude from employment anyone who:
 - (a) is not permitted by state law to work in a school;
 - (b) reasonably might pose a threat to the safety of students; or
 - (c) is listed on federal, state, or other central child abuse registries.

(B) To ensure that funds are spent appropriately, all education service providers shall:

- (1) provide parents with a receipt for all qualifying expenses; and

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(2) demonstrate their financial viability by showing they can repay funds received from parents that might be provided from accounts, if they are to receive fifty thousand dollars or more during the school year, by filing a surety bond with the department prior to the start of the school year.

(C) In order to allow parents and the public to measure the achievements of the program, academic progress must be documented annually for each ESA student. ESA students with an Individualized Education Plan that cannot be accommodated with standardized testing are excluded from the requirements of item (1). Education service providers that provide academic instruction, however, must monitor the progress of students with significant cognitive disabilities through alternative assessments including portfolios.

(1) Education service providers that provide full-time academic instruction shall:

(a) ensure that each ESA student in grades three through twelve takes a nationally norm-referenced or formative assessment approved by the department. Students with disabilities for whom standardized testing is not appropriate are exempt from this requirement; and

(b) measure academic performance and annual learning gains of its ESA students by:

(i) requiring that each ESA student takes either an approved nationally norm-referenced assessment annually, or an approved formative assessment in the fall and spring, to measure learning gains in math and reading; and

(ii) collecting high school graduation information of ESA students for reporting to the department as required in this section.

(2) For the purpose of evaluating program effectiveness, education service providers that provide full-time academic instruction shall ensure that results in item (1) are:

(a) provided to the parent of an ESA student and must be provided to the department on an annual basis, beginning with the first year of program implementation; and

(b) disaggregated by grade level, gender, family income level, race, and English learner status.

(3) The department, or the appropriate organization chosen by the department, if any, must be informed of the ESA student's graduation from high school.

(D) The department shall:

(1) comply with all student privacy laws;

(2) collect all test results;

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(3) annually provide individual student assessment results and information to the Education Oversight Committee. The transmission of the information must be made in a manner that safeguards the data to ensure student privacy.

(E) The Education Oversight Committee shall:

(1) comply with all student privacy laws;

(2) report on and publish associated learning gains and graduation rates to the public by means of a state website with data aggregated by grade level, gender, family income level, number of years participating in the program, and race and a report for any participating school if at least fifty-one percent of the total enrolled students in the private school participated in the ESA program in the prior school year or if there at least thirty participating students who have scores for tests administered. If the Education Oversight Committee determines that the thirty participating-student cell size may be reduced without disclosing the personally identifiable information of a participating student, the Education Oversight Committee may reduce the participating-student cell size, but the cell size may not be reduced to fewer than ten participating students;

(3) evaluate and report the academic performance of ESA students compared to similar public school populations;

(4) collaborate with the department to develop and administer an annual parental satisfaction survey for all parents of ESA students to express their satisfaction with the program and their opinions on issues relevant to the ESA program that the State finds would elicit information about the effectiveness of the program, including the number of years the child has participated in it. Results of this survey must be provided to the General Assembly by December thirty-first of each year.

(E) An education service provider that is not a public school is autonomous and not an agent of the State or federal government, therefore:

(1) the department or any other state agency may not regulate the educational program of a certified education provider that accepts funds from an account;

(2) the creation of the program does not expand the regulatory authority of the State, its officers, or a school district to impose regulation of education service providers beyond those necessary to enforce the requirements of the program;

(3) the freedom of education service providers to provide for the educational needs of ESA students without governmental control must not be abridged;

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(4) an education service provider that accepts payment from a parent using funds from an ESA pursuant to this chapter is not an agent of the State or federal government; and

(5) education service providers shall not be required to alter their creeds, practices, admissions policy, or curriculum in order to accept payments from a parent using funds from an ESA.

Section 59-8-155. The ESA student's resident school district shall provide a parent and the education service providers that provide academic services to an ESA student with a complete copy of the student's school records, while complying with the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. Section 1232(g).

Section 59-8-160. (A) There is created the 'ESA Review Panel' that shall serve as an advisory panel to the department.

(B) The review panel shall consist of ten members, pursuant to the following:

(1) the Governor or his designee, who shall serve as the chair of the panel; and

(2) three members to be appointed by the Governor;

(3) one member appointed by the Speaker of the House of Representatives;

(4) one member appointed by the President of the Senate;

(5) one member appointed by the Chairman of the House of Representatives Education and Public Works Committee;

(6) one member appointed by the Chairman of the Senate Education Committee; and

(7) two parents of ESA students to be appointed by the Governor.

(C) The review panel may advise the department on whether certain expenses meet the requirements to be considered a qualified expense under this chapter when requested by the department. The review panel periodically may make recommendations to the General Assembly about improving the program.

(D) Members shall serve at the pleasure of their appointing authority. In making appointments to the panel, the appointing authorities, as appropriate, shall consider legal, financial, accounting, and marketing experience and race, gender, and other demographic factors to ensure nondiscrimination, inclusion, and representation of all segments of the State to the greatest extent possible.

(E) Members may not receive mileage or per diem."

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, then 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 thirty days after approval by the Governor, provided that upon approval of this act by the Governor, the Department of Education shall begin undertaking and executing responsibilities incident to the implementation of this act so that the provisions of this act may be fully implemented thirty days after approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Senator MASSEY explained the amendment.

Motion Adopted

On motion of Senator MASSEY, with unanimous consent, the Senate proceeded to consideration Amendment No. 1B.

Amendment No. 1B

Senator HEMBREE proposed the following amendment (935R006.SP.GH):

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

/ SECTION 1. This act may be cited and referred to as the “Put Parents in Charge Act”.

SECTION 2. Title 59 of the 1976 Code is amended by adding:

“CHAPTER 8

Education Scholarship Trust Fund

Section 59-8-110. For purposes of this chapter:

(1) ‘Department’ means the South Carolina Department of Education.

(2) ‘Education Scholarship Trust Fund’, ‘ESTF’, or ‘fund’ means the individual account that is administered by the department to which funds are allocated to the parent of an eligible student to pay for qualifying expenses.

(3) ‘Eligible student’ means a student who:

(a) is a resident of this State;

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(b)(i) attended a public school in this State during the previous school year;

(ii) had not yet attained the age of five on or before September first of the previous school year but who has attained the age of five on or before September of the current school year; or

(iii) received a scholarship pursuant to this chapter for the previous school year; and

(c)(i) has a statement of Medicaid eligibility;

(ii) has an IEP; or

(iii) has a sibling living in the same household who receives a scholarship pursuant to this chapter.

(4) 'IDEA' means the Individuals with Disabilities Education Act found in 20 U.S.C. Section 1400, et seq.

(5) '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.

(6) 'Education service provider' means a person or organization approved by the department that receives payments from ESTF to provide educational goods and services to scholarship students.

(7) 'Program' means the ESTF program created by this chapter.

(8) 'Resident school district' means the public school district in which the student is domiciled.

(9) 'Scholarship' means education funding allocated from an account established pursuant to this chapter.

(10) 'Scholarship student' means an eligible student who is participating in the Education Scholarship Trust Fund program

(11) 'Substantial misuse' means willfully and knowingly receiving or spending any portion of a scholarship for any purpose other than a qualifying expense.

(12) 'Qualifying expense' means:

(a) tuition and fees of an education service provider;

(b) textbooks, curriculum, or other instructional materials including, but not limited to, any supplemental materials or associated online instruction required by either a curriculum or an education service provider;

(c) tutoring services approved by the department;

(d) computer hardware or other technological devices that are used primarily for a scholarship student's educational needs and approved by the department or a licensed physician;

(e) tuition and fees for an approved nonpublic online education service provider or course;

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(f) fees for approved:

(1) national norm-referenced examinations, advanced placement examinations, or similar assessments;

(2) industry certification exams; or

(3) examinations related to college or university admission;

(g) educational services for pupils with disabilities from a licensed or accredited practitioner or provider including, but not limited to, occupational, behavioral, physical, and speech-language therapies;

(h) approved contracted services from a public school district, including individual classes, after school tutoring services, transportation, or fees or costs associated with participation in extracurricular activities;

(i) contracted teaching services and education classes approved by the department;

(j) fees for transportation paid to a fee-for-service transportation provider for the scholarship student to travel to and from an eligible provider as defined in this section, but not to exceed seven hundred fifty dollars for each school year;

(k) fees for ESTF account management by private financial management firms approved by the department; or

(l) any other educational expense approved by the department.

Section 59-8-115. (A) The department shall create a standard application process and establish the timeline for parents to establish the eligibility of their student for the Education Scholarship Trust Fund program. The application window established shall last at least forty-five days, opening no earlier than January fifteenth and closing no later than March fifteenth each calendar year.

(B) Pursuant to the timeline established pursuant to subsection (A), the department shall:

(1) process applications in the order in which they are received, after a preference has been extended to all prior-year participants and their respective siblings; and

(2) enroll and issue award letters within thirty days of the deadline for receipt of completed applications and all required documentation.

(C) Before awarding a scholarship, the department shall have obtained evidence of the student's eligibility through the card issued in the student's name from the Department of Health and Human Services for Medicaid eligibility included as applicable with application documentation.

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

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

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

(3) funds are available for the ESTF; and

(4) the parent signs an annual agreement with the department:

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

(b) to ensure the scholarship student takes assessments as referenced in Section 59-8-150 or provides assessments in a similar manner through other means if the scholarship student does not receive full-time instruction from an education service provider;

(c) to use program funds for qualifying expenses only for an approved provider to educate the scholarship student, subject to penalty;

(d) not to enroll their scholarship student in a public school as a full-time student in the resident school district, as defined in this chapter;

(e) not to participate in a home instruction program under Sections 59-65-40, 59-65-45, or 59-65-47;

(f) to comply with the conditions and requirements of the ESTF program as established by the department; and

(g) to confirm that, if the parent's child is a student with disabilities, the parent has received notice from the department that participation in the ESTF program is a parental placement of the scholarship student under IDEA, along with an explanation of the rights that parentally placed students possess under IDEA and any applicable state laws and regulations, including the consultation process provided for in 20 U.S.C. Section 1412(a)(10) and the Individual Education Program requirements described in Section 1414(d) of IDEA.

(E) The department shall make available on its website in a conspicuous location information in conformity with 34 C.F.R Sections 300.130 through 300.144, Assistance to States for the Education of Children with Disabilities, explaining to parents the rights of children with disabilities under IDEA both in public schools and as parentally placed students in private schools.

(F) A parent will be allowed to make payments for the cost of educational goods and services not covered by the funds in their student's ESTF; however, personal deposits into an ESTF account are prohibited.

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(G) Funds received pursuant to this section do not constitute taxable income to the parent of the scholarship student or to the student.

(H) A parent's signed agreement under subsection (D)(4) satisfies the state's compulsory attendance law pursuant to Section 59-65-10.

(I) The State Board of Education shall promulgate regulations for the administration of the program as may be applicable.

(J) The department may contract with qualified organizations to administer the program application process or specific functions, maintenance, and monitoring of the program application process as required above.

Section 59-8-120. (A) There is established at the department, the 'South Carolina Education Scholarship Trust Fund' that is separate and distinct from the general fund, consisting of monies appropriated to the department to provide scholarships to eligible students for qualifying expenses. The fund must receive and hold all monies allocated for it as well as all earnings until disbursed as provided in this section.

(B) The department shall administer the fund and is responsible for keeping records, managing accounts, and disbursing scholarships awarded pursuant to this section and as directed by the parent.

(C) Upon request of the parent and approval of an eligible student's application by the department, the State Treasurer shall transfer six thousand dollars per scholarship student to the Education Scholarship Trust Fund as directed by the General Assembly. Each year this amount shall be adjusted to reflect the percentage increase in the actual state allocated revenue per pupil as calculated by the Revenue and Fiscal Affairs Office pursuant to the annual appropriations act.

(D) The department shall create an individual online ESTF account for each scholarship student.

(1) The parent must be able to access the individual online account for the scholarship student using a secure portal.

(2) The individual scholarship student's account must be created within thirty days of the application approval.

(E) The department shall make payments to an individual scholarship student's account from the ETSF on a quarterly basis with the first payment being distributed by July thirty-first of each year.

(F) By September first of each school year and again on January fifteenth and March fifteenth of the school year, the department shall compare the list of scholarship students with the public school enrollment lists to avoid duplicate payments.

(G) Education service providers may not refund, rebate, or share a student's scholarship funds directly with a parent or the scholarship

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student. The funds in an account may only be used for qualifying expenses as defined in this chapter and provided by the department.

(H) The department may contract with qualified organizations to administer the program.

Section 59-8-125. (A) The department shall develop an online electronic system for payment for services authorized by participating parents pursuant to this chapter and the guidelines provided by the department. Parents may not be reimbursed for out-of-pocket expenses.

(B) The General Assembly shall appropriate funds to the department for initial costs to create the program. Thereafter, the department shall deduct an amount from the ESTF to cover the costs of overseeing the accounts and administering the program up to a limit of three percent. Annually, on or before December thirty-first, the department shall notify the respective chairmen of the Senate Finance Committee and House of Representatives Ways and Means Committee regarding the amount deducted for administrative costs and an itemization of the costs incurred to administer the program for the previous school year.

(C) The department may contract with qualified vendors to manage accounts and shall establish reasonable fees for private financial management firms participating in the program based upon market rates.

(D) The department may contract with qualified organizations to administer the program or specific functions of the program.

(E) Payments made by the department must remain in force until a parent or scholarship student is proven to have participated in a prohibited activity specified in this chapter, a scholarship student returns to a public school in his resident public school district, or scholarship student graduates from high school or attains twenty-two years of age, whichever occurs first. A scholarship student who enrolls in his resident public school district is considered to have returned to a public school for the purpose of determining the end of the term.

(F) The department may suspend or deactivate an account for substantial misuse or the scholarship student leaves the program for any reason, at which time any remaining funds must revert to the ESTF.

(G) Unused funds must be rolled over to the following school year for a scholarship student who applies and continues to meet eligibility requirements to participate in the program.

(H) A scholarship terminates automatically if the student is no longer domiciled in this State, and any money remaining in the account reverts to the ESTF

(I) Only one account may be established for an scholarship student.

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Section 59-8-130. If scholarship student's program of academic instruction is terminated for any reason before the end of the semester or school year and the student does not resume instruction within thirty days, then the parent shall notify the department and remaining funds in the account reverts to the ESTF.

Section 59-8-135. (A) Beginning with the 2023-2024 School Year, the annual number of ESTF students is limited by the following capacity:

(1) in School Year 2023-2024, the program is limited to five thousand scholarship students;

(2) in School Year 2024-2025, the program is limited to ten thousand scholarship students; and

(3) in School Year 2025-2026, and for all subsequent school years, the program is limited to fifteen thousand scholarship students.

(B) In 2026, and every five years thereafter, the department shall conduct an eligibility and use review of the program and shall make recommendations to the General Assembly to improve the program.

Section 59-8-140. (A)(1) The department must develop an application approval process for participation in the ESTF program for education service providers.

(2) The department must require an independent school that applies to be an education service provider to be located in the State, to have an educational curriculum that includes courses set forth in the state's diploma requirements and to meet the compulsory attendance and State Board of Education approval requirements in Section 59-65-10.

(3) An education service provider that participated in the program in the previous school year and desires to participate in the program in the current school year shall reapply to the department. The education service provider reapplying shall certify to the department that it continues to meet all program requirements. An education service provider required to administer academic testing shall provide to the department test score data from the previous school year. If individual student test score data is not submitted, then the department shall remove the education service provider from the program.

(4) By February first of each year, the department will certify the list of approved education service providers for participation in the program that meet all program requirements. The department may waive the deadline requirement upon good cause shown by an education service provider.

(5) An education service provider that is denied approval pursuant to this section may seek review by filing a request for a contested case

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hearing with the Administrative Law Court in accordance with the court's rules of procedure.

(6) By February fifteenth of each year, the department shall publish on its website a comprehensive list of approved education service providers. The list must include the name, address, telephone number, and website address for each education service provider.

(B) If approved by the department, new education service providers may be added to the list of approved providers on a rolling basis. The providers will be added to the comprehensive list available on the departments website.

(C) The department may bar an education service provider from the program if the department establishes that the education service provider has:

(1) failed to comply with the accountability standards established in this section; or

(2) failed to provide the scholarship student with the educational services funded by the account.

(D) The department shall create procedures to ensure that a fair process exists to determine whether an education service provider should be barred from receiving payments from accounts.

(1) If the department decides to bar an education service provider from the program, it shall notify affected students and their parents of this decision as quickly as possible.

(2) Education service providers may appeal the department's decision to bar the education service provider from receiving payments from accounts pursuant to the Administrative Procedures Act.

(E) The State Board of Education shall promulgate regulations to allow scholarship students to return to their resident school districts during the course of their participation in the program .

Section 59-8-145. (A) The department shall adopt procedures to inform students and their parents annually of their eligibility for the program.

(B) The department shall adopt procedures to annually inform scholarship students and their parents of the approved education service providers.

(C) The department shall provide to parents of a scholarship student written instructions for the allowable uses of an account and the responsibilities of parents and the duties of the department.

(D) The department may declare that a parent is ineligible for continuation in the program due to substantial misuse of their account funds.

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(E) The department may conduct or contract for the auditing of accounts, and shall, at a minimum, conduct random audits of accounts on an annual basis.

(F) The department may refer cases of substantial misuse of funds to law enforcement agencies for investigation.

(G) The department may contract with one or more qualified organizations to administer some or all portions of this program.

(H) The department shall maintain a record of the number of applications received annually for the program, the number of students accepted into the program each year, and the number of students not accepted into the program each year with a corresponding explanation as to why the student was not accepted into the program. The department shall compile this information and provide a report the General Assembly by December thirty-first of each year.

Section 59-8-150. (A) To ensure equitable treatment and personal safety of all scholarship students, all education service providers shall:

- (1) comply with all applicable health and safety laws or codes;
- (2) hold a valid occupancy permit if required by the municipality in which the education service provider is located;
- (3) not unlawfully discriminate on the basis of race, color, religion, or national origin; and
- (4) conduct criminal background checks on employees and exclude from employment anyone who:
 - (a) is not permitted by state law to work in a school;
 - (b) reasonably might pose a threat to the safety of students; or
 - (c) is listed on federal, state, or other central child abuse registries.

(B) To ensure that funds are spent appropriately, all education service providers shall:

- (1) provide parents with a receipt for all qualifying expenses; and
- (2) demonstrate their financial viability by filing a surety bond with the department prior to the start of the school year if they are to receive fifty thousand dollars or more during the school year.

(C) In order to allow parents and the public to measure the achievements of the program, academic progress must be documented annually for each scholarship student. Students with an Individualized Education Plan that cannot be accommodated with standardized testing are excluded from the requirements of item (1). Education service providers that provide academic instruction must monitor the progress of students with significant cognitive disabilities through alternative assessments including portfolios.

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(1) Education service providers that provide full-time academic instruction shall:

(a) ensure that each scholarship student in grades three through twelve takes a nationally norm-referenced or formative assessment approved by the department. Students with disabilities for whom standardized testing is not appropriate are exempt from this requirement; and

(b) measure academic performance and annual learning gains of its scholarship students by:

(i) requiring that each scholarship student takes either an approved nationally norm-referenced assessment annually, or an approved formative assessment in the fall and spring, to measure learning gains in math and reading; and

(ii) collecting high school graduation information of scholarship students for reporting to the department as required in this section.

(2) For the purpose of evaluating program effectiveness, education service providers that provide full-time academic instruction shall ensure that results in item (1) are:

(a) provided to the parent of a scholarship student and must be provided to the department on an annual basis, beginning with the first year of program implementation; and

(b) disaggregated by grade level, gender, family income level, race, and English learner status.

(3) The department, or the appropriate organization chosen by the department, if any, must be informed of the scholarship student's graduation from high school.

(D) The department shall:

(1) comply with all student privacy laws;

(2) collect all test results;

(3) annually provide individual student assessment results and information to the Education Oversight Committee. The transmission of the information must be made in a manner that safeguards the data to ensure student privacy.

(E) The Education Oversight Committee shall:

(1) comply with all student privacy laws;

(2) report on and publish associated learning gains and graduation rates to the public by means of a state website with data aggregated by grade level, gender, family income level, number of years participating in the program, and race and a report for any participating school if at least fifty-one percent of the total enrolled students in the private school

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participated in the ESTF program in the prior school year or if there are at least thirty participating students who have scores for tests administered. If the Education Oversight Committee determines that the thirty participating-student cell size may be reduced without disclosing the personally identifiable information of a participating student, the Education Oversight Committee may reduce the participating-student cell size, but the cell size may not be reduced to fewer than ten participating students;

(3) evaluate and report the academic performance of scholarship students compared to similar public school populations; and

(4) collaborate with the department to develop and administer an annual parental satisfaction survey for all parents of scholarship students on issues relevant to the ESTF program, to include effectiveness and length of the program participation. Results of this survey must be provided to the General Assembly by December thirty-first of each year.

(F) An education service provider, not a public school, is autonomous and not an agent of the state or federal government, therefore:

(1) the department or any other state agency may not regulate the educational program of an approved education provider that accepts funds from an account;

(2) the creation of the program does not expand the regulatory authority of the State, its officers, or a school district to impose regulation of education service providers beyond those necessary to enforce the requirements of the program;

(3) the freedom of education service providers to provide for the educational needs of scholarship students without governmental control must not be abridged;

(4) an education service provider that accepts payment by a parent from an ESTF account pursuant to this chapter is not an agent of the State or federal government; and

(5) education service providers shall not be required to alter their creeds, practices, admissions policy, or curriculum in order to accept payments by a parent from an ESTF account.

Section 59-8-155. The scholarship student's resident school district shall provide a parent and the education service providers designated by the parent with a complete copy of the student's school records, while complying with the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. Section 1232(g).

Section 59-8-160. (A) There is created the 'ESTF Review Panel' that shall serve as an advisory panel to the department.

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(B) The review panel shall consist of ten members, pursuant to the following:

- (1) the Governor or his designee, who shall serve as the chair of the panel;
- (2) three members to be appointed by the Governor;
- (3) one member appointed by the Speaker of the House of Representatives;
- (4) one member appointed by the President of the Senate;
- (5) one member appointed by the Chairman of the House of Representatives Education and Public Works Committee;
- (6) one member appointed by the Chairman of the Senate Education Committee; and
- (7) two parents of scholarship students to be appointed by the Governor.

(C) The review panel may advise the department on whether certain expenses meet the requirements to be considered a qualified expense under this chapter when requested by the department. The review panel periodically may make recommendations to the General Assembly about improving the program.

(D) Members shall serve at the pleasure of their appointing authority. In making appointments to the panel, the appointing authorities, as appropriate, shall consider legal, financial, accounting, and marketing experience and race, gender, and other demographic factors to ensure nondiscrimination, inclusion, and representation of all segments of the State to the greatest extent possible.

(E) Members may not receive mileage or per diem.

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, then 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 4. This act takes effect thirty days after approval by the Governor, provided that upon approval of this act by the Governor, the Department of Education shall begin undertaking and executing responsibilities incidental to the implementation of this act so that the

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provisions of this act may be fully implemented thirty days after approval by the Governor. /

Re-number sections to conform.

Amend title to conform.

Senator MASSEY explained the amendment.

Debate was interrupted by adjournment.

Motion Adopted

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

ADJOURNMENT

At 6:38 P.M., on motion of Senator MASSEY, the Senate adjourned to meet tomorrow at 11:00 A.M.

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