

NO. 77

JOURNAL
OF THE
SENATE
OF THE
STATE OF SOUTH CAROLINA



REGULAR SESSION BEGINNING TUESDAY, JANUARY 10, 2017

TUESDAY, JUNE 6, 2017

Tuesday, June 6, 2017
(Statewide Session)

Indicates Matter Stricken

Indicates New Matter

The Senate assembled at 12:00 Noon, 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 Senator CAMPSEN as follows:

Matthew 22: 34-40

“But when the Pharisees heard he had silenced the Sadducees, they gathered together. And one of them, a lawyer, asked him a question to test him. ‘Teacher, which is the great commandment of the Law?’ And he said to him, ‘You shall love the Lord your God with all your heart and with all your soul and with all your mind. This is the great and first commandment. And the second is like it: ‘You shall love your neighbor as yourself. On these two commandments depend all the Law and the Prophets.’ ”

Senators, please join me in our daily invocation as we begin the solemn work of state government, which God has ordained for the benefit of the citizens of South Carolina. Let us pray. Dear heavenly Father, because You created us in Your image, we are capable of great good. Yet because we rebel against You in our sin, we are likewise prone to terrible evil.

Romans 13 reveals You have ordained government to promote good and restrain evil. Although an imperfect institution because it is administered by imperfect human beings, it is a great privilege to serve both God and humanity in South Carolina government. May we never lose appreciation for the gravity of our calling.

Grant us the grace to honor the great commandment in the course of our service: To love You with our minds as we wrestle with important matters of state; and, to maintain love of our neighbor as a central focus of our service.

May we heed Paul’s exhortation in Romans 12:2 that we not be conformed to this world, but be transformed by the renewal of our mind that we may discern what is the will of God, what is good and acceptable and perfect.”

Bestow upon us the grace to fulfill the great commandment as we serve both God and man in the South Carolina Senate. In Thy holy name I pray, Amen.

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

COMMUNICATIONS RECEIVED

Office of the Secretary of State
1205 Pendleton Street, Suite 525
Columbia, SC 29201

June 5, 2017

South Carolina Senate
Office of the Clerk
Jeffrey S. Gossett, Clerk
P.O. Box 142
Columbia, SC 29202

Dear Mr. Gossett:

The State Election Commission has certified to this office by mail that the Honorable Richard Cash is the winner of the State Senate District 3, Special Election held on May 30, 2017, in Anderson County.

The attached hereby certifies Richard Cash as a duly and properly elected member of the South Carolina State Senate.

Sincerely,
/s/ Mark Hammond
Secretary of State

South Carolina Election Commission

1122 Lady Street
Suite 500
Columbia, SC 29201
June 2, 2017

The Honorable Mark Hammond
Secretary of State
1205 Pendleton Street, Suite 525
Columbia, SC 29201

Dear Mr. Secretary:

The State Election Commission hereby certifies Richard Cash as the winner of the State Senate District 3 Special Election held on May 30, 2017, in Anderson County. The official results are as follows:

TUESDAY, JUNE 6, 2017

Candidate	Total	Percent
Richard Cash	3,035	81.7%
Write-Ins	680	18.3%

Sincerely,
/s/ Marci Andino
Executive Director

SENATE MEMBER
2017 Election Results

District 3 Hon. Richard Cash

PRIVILEGE OF THE FLOOR

On motion of Senator MASSEY, with unanimous consent, in accordance with the provisions of Rule 35, the Privilege of the floor was extended to the family of Senator RICHARD CASH.

Motion Adopted

On motion of Senator MASSEY, with unanimous consent, the Privilege of the podium was extended to the Lieutenant Governor.

ACTING PRESIDENT PRESIDES

Senator CROMER assumed the Chair.

Administration of Oath of Office

Senator Sworn In

Senator CASH presented himself at the Bar and the Oath of Office was administered to him by the Lieutenant Governor.

Motion Adopted

On motion of Senator CROMER, Senator RICHARD CASH was introduced to address the Senate with brief remarks.

PRESIDENT PRESIDES

At 12:26 P.M., the PRESIDENT assumed the Chair.

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Remarks by Senator CASH

Thank you, Mr. PRESIDENT, it is an honor to be representing the people of the Third district which is the northern half of Anderson County. I want to thank them for this opportunity to serve and seek, listen well and work hard on their behalf. Mr. PRESIDENT, in this light of the fact that I am succeeding you in office, it certainly is an honor and delight to have you administer the oath of office. I know that I have big shoes to fill. Since I wear size 14, hopefully, I will not stumble around too much. To the members of this Body -- together we seek the welfare of this State and its citizens. I look forward to working with you on the issues that come before us. My campaign was on the basis of conservative principles, a fidelity to a Christian view and it is my intention to serve accordingly. I'm happy to consider your arguments and point of view. I want to thank friends and supporters who have worked hard and given much to help me get elected. Especially, I want to thank my wife, Marsha, for her devotion to our home and family, as well as her help in this endeavor. She and my children have done all campaign work willingly and cheerfully. I thank each of my four children who are here today, as well as the four who could not be. We have been blessed with a large family system but whether you have one child or many, I suspect we share the belief that our children and grandchildren are life's greatest blessing. The Psalmist said it well, "Behold, children are a gift of the Lord, the fruit of the womb is our reward." It has been a long and winding road that goes back to 2008 and brings me back to the South Carolina Senate today. Since I could not have foreseen that journey, I cannot know what's around the bend. What I do know, however, is that I come with one overriding purpose and that purpose is to establish justice and legal protection for every human life from the moment of conception until natural death. I am pro-life, without exception, and without apology. Because each human being is created in the image of God and is deserving of the first and foremost right, the inalienable right to life. I was not a one issue candidate and I will not be a one issue legislator. Like you, I spent more time studying and talking about the roads and the gas tax than any other issue this year. The urgency and necessity of resolving these political problems, however, should never be an excuse to relegate the most important human rights issue of our generation to the back burner. I'm pleased to join you this year, even at this late date, and look forward to being a part of this Body. Thank you.

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On motion of Senator MARTIN, with unanimous consent, the remarks of Senator CASH were ordered printed in the Journal.

SEATING SELECTION

On motion of Senator MASSEY, with unanimous consent, Senator CASH selected Seat 40.

Privilege of the Chamber

On motion of Senator DAVIS, on behalf of Senator M.B. MATTHEWS, the Privilege of the Chamber, to that area behind the rail, was extended to Matthew, Felicia, Craig, Alexandra and Emily Howard.

Leave of Absence

At 12:22 P.M., Senator RICE requested a leave of absence for Senator SENN for the day.

Leave of Absence

At 12:36 P.M., Senator FANNING requested a leave of absence for Senator MALLOY for the day.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 740 -- Senator Nicholson: A SENATE RESOLUTION TO CONGRATULATE DR. DANNY R. WEBB, PRESIDENT OF JOHN DE LA HOWE SCHOOL, UPON THE OCCASION OF HIS RETIREMENT AFTER TEN YEARS OF EXEMPLARY SERVICE AT THE SCHOOL, AND TO WISH HIM CONTINUED SUCCESS AND HAPPINESS IN ALL HIS FUTURE ENDEAVORS.

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The Senate Resolution was adopted.

S. 741 -- Senator Shealy: A SENATE RESOLUTION TO CONGRATULATE CAPTAIN WALTER B. GOSS UPON THE OCCASION OF HIS RETIREMENT FROM THE BATESBURG-LEESVILLE POLICE DEPARTMENT, TO COMMEND HIM FOR HIS TWENTY-FIVE YEARS OF DISTINGUISHED PUBLIC SERVICE TO THE STATE OF SOUTH CAROLINA, AND TO WISH HIM CONTINUED SUCCESS IN ALL HIS FUTURE ENDEAVORS.

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The Senate Resolution was adopted.

S. 742 -- Senators Climer and Peeler: A SENATE RESOLUTION TO CONGRATULATE LIONS CLUBS INTERNATIONAL ON ITS ONE HUNDREDTH ANNIVERSARY AND TO RECOGNIZE AND SALUTE THE RIVER HILLS/LAKE WYLIE LIONS CLUB FOR OUTSTANDING SERVICE TO ITS COMMUNITY.

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The Senate Resolution was adopted.

S. 743 -- Senator Gambrell: A SENATE RESOLUTION TO CONGRATULATE AND APPLAUD MARTY KNIGHT OF ANDERSON COUNTY FOR HIS EXTRAORDINARY ACCOMPLISHMENTS IN THE WORLD OF KARATE AS A TWO-TIME WORLD CHAMPION AND THREE-TIME NATIONAL CHAMPION.

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The Senate Resolution was adopted.

S. 744 -- Senator Hutto: A CONCURRENT RESOLUTION TO PROVIDE THAT PURSUANT TO SECTION 9, ARTICLE III OF THE CONSTITUTION OF THIS STATE, 1895, WHEN THE RESPECTIVE HOUSES OF THE GENERAL ASSEMBLY ADJOURN ON THURSDAY, MAY 11, 2017, NOT LATER THAN 5:00 P.M., OR ANYTIME EARLIER, EACH HOUSE SHALL STAND ADJOURNED TO MEET IN STATEWIDE SESSION AT 12:00 NOON ON TUESDAY, MAY 23, 2017, AND CONTINUE IN STATEWIDE SESSION, IF NECESSARY, UNTIL NOT LATER THAN 5:00 P.M. ON THURSDAY, MAY 25, 2017, FOR THE CONSIDERATION OF CERTAIN SPECIFIED MATTERS, AND TO PROVIDE THAT WHEN THE RESPECTIVE HOUSES OF THE GENERAL ASSEMBLY ADJOURN NOT LATER 12:00 NOON TUESDAY, JANUARY 9, 2018, THE GENERAL ASSEMBLY SHALL STAND ADJOURNED SINE DIE.

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Senator HUTTO explained the Resolution.

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

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S. 745 -- Senator Cromer: A SENATE RESOLUTION TO RECOGNIZE AND HONOR ELIZABETH TAYLOR UPON THE OCCASION OF HER RETIREMENT AFTER MORE THAN THIRTY YEARS OF OUTSTANDING SERVICE AT THE IRMO CHAPIN RECREATION COMMISSION, AND TO WISH HER CONTINUED SUCCESS AND HAPPINESS IN ALL HER FUTURE ENDEAVORS.
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The Senate Resolution was adopted.

S. 746 -- Senators J. Matthews and Hutto: A SENATE RESOLUTION TO CONGRATULATE BRENDA L. WILLIAMS, VICE PRESIDENT OF STRATEGY AND COMPLIANCE AT THE REGIONAL MEDICAL CENTER OF ORANGEBURG AND CALHOUN COUNTIES, UPON THE OCCASION OF HER RETIREMENT, TO COMMEND HER FOR HER MANY YEARS OF DEDICATED SERVICE, AND TO WISH HER MUCH HAPPINESS AND FULFILLMENT IN ALL HER FUTURE ENDEAVORS.
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The Senate Resolution was adopted.

S. 747 -- Senators Johnson and McElveen: A SENATE RESOLUTION TO CONGRATULATE HARVIN E. BROCK UPON THE OCCASION OF HIS RETIREMENT FROM THE SOUTH CAROLINA DEPARTMENT OF NATURAL RESOURCES, TO COMMEND HIM FOR HIS THIRTY-SEVEN YEARS OF DISTINGUISHED PUBLIC SERVICE TO THE STATE OF SOUTH CAROLINA, AND TO WISH HIM CONTINUED SUCCESS IN ALL HIS FUTURE ENDEAVORS.
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The Senate Resolution was adopted.

S. 748 -- Senator Alexander: A SENATE RESOLUTION TO CONGRATULATE COLONEL BEVERLY "BEN" SKARDON OF CLEMSON ON THE OCCASION OF HIS ONE HUNDREDTH BIRTHDAY AND TO WISH HIM A JOYOUS BIRTHDAY CELEBRATION AND MUCH HAPPINESS.
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The Senate Resolution was adopted.

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S. 749 -- Senator Peeler: A SENATE RESOLUTION TO CONGRATULATE THE LIMESTONE COLLEGE MEN'S LACROSSE TEAM AND COACHES FOR AN EXTRAORDINARY SEASON AND FOR WINNING THE 2017 NCAA DIVISION II NATIONAL CHAMPIONSHIP TITLE.

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The Senate Resolution was adopted.

S. 750 -- Senator Jackson: A SENATE RESOLUTION TO CONGRATULATE MOUNT PLEASANT BAPTIST CHURCH OF CALHOUN COUNTY, ITS PASTOR AND CONGREGATION AS THEY CELEBRATE THEIR RICH HISTORY DURING ONE HUNDRED FIFTY YEARS OF EXEMPLARY CHRISTIAN MISSION AND MINISTRY IN THE COMMUNITY.

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The Senate Resolution was adopted.

S. 751 -- Senator McLeod: A SENATE RESOLUTION TO CONGRATULATE THE CARDINAL NEWMAN SCHOOL MEN'S VARSITY SOCCER TEAM, COACHES, AND SCHOOL OFFICIALS FOR AN EXTRAORDINARY SEASON AND FOR CAPTURING THE 2017 SOUTH CAROLINA INDEPENDENT SCHOOL ASSOCIATION CLASS 3A STATE CHAMPIONSHIP TITLE.

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The Senate Resolution was adopted.

S. 752 -- Senator McLeod: A SENATE RESOLUTION TO CONGRATULATE THE CARDINAL NEWMAN WOMEN'S VARSITY SOCCER TEAM, COACHES, AND SCHOOL OFFICIALS FOR A STELLAR SEASON AND FOR WINNING THE 2017 SOUTH CAROLINA INDEPENDENT SCHOOL ASSOCIATION CLASS 3A STATE CHAMPIONSHIP TITLE.

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The Senate Resolution was adopted.

Message from the House

Columbia, S.C., June 6, 2017

Mr. President and Senators:

TUESDAY, JUNE 6, 2017

The House respectfully informs your Honorable Body that it has overridden the veto by the Governor on R. 86, S. 562 by a vote of 101 to 0:

(R86, S562) -- Senators McElveen and Johnson: AN ACT TO AMEND ACT 321 OF 2010, RELATING TO THE CONSOLIDATION OF THE SUMTER COUNTY SCHOOL DISTRICT, SO AS TO PROVIDE FOR TWO AT-LARGE MEMBERS OF THE SUMTER COUNTY SCHOOL DISTRICT BOARD OF TRUSTEES, TO PROVIDE FOR THE INITIAL APPOINTMENT AND SUBSEQUENT ELECTION OF AT-LARGE SCHOOL BOARD MEMBERS, TO ABOLISH THE AT-LARGE SEATS FOLLOWING THE NEXT REAPPORTIONMENT AND TO ASSIGN THE FORMER AT-LARGE SEATS TO NEWLY CREATED SINGLE MEMBER DISTRICTS, AND TO STAGGER THE TERMS OF THE AT-LARGE SCHOOL BOARD MEMBERS.

Very respectfully,
Speaker of the House

Received as information.

HOUSE CONCURRENCES

S. 738 -- Senator Climer: A CONCURRENT RESOLUTION TO CONGRATULATE THE NORTHWESTERN HIGH SCHOOL BASEBALL TEAM, COACHES, AND SCHOOL OFFICIALS ON AN OUTSTANDING SEASON AND TO HONOR THEM FOR WINNING THE 2017 CLASS 5A BASEBALL STATE CHAMPIONSHIP.

Returned with concurrence.
Received as information.

S. 744 -- Senator Hutto: A CONCURRENT RESOLUTION TO PROVIDE THAT PURSUANT TO SECTION 9, ARTICLE III, OF THE CONSTITUTION OF THIS STATE, 1895, WHEN THE RESPECTIVE HOUSES OF THE GENERAL ASSEMBLY ADJOURN ON THURSDAY, MAY 11, 2017, NOT LATER THAN 5:00 P.M., OR ANYTIME EARLIER, EACH HOUSE SHALL STAND ADJOURNED TO MEET IN STATEWIDE SESSION AT 12:00 NOON ON TUESDAY, MAY 23, 2017, AND CONTINUE IN STATEWIDE SESSION, IF NECESSARY, UNTIL NOT LATER THAN 5:00 P.M. ON THURSDAY, MAY 25, 2017, FOR THE CONSIDERATION OF CERTAIN SPECIFIED MATTERS, AND TO PROVIDE THAT WHEN THE RESPECTIVE HOUSES OF THE

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GENERAL ASSEMBLY ADJOURN NOT LATER 12:00 NOON
TUESDAY, JANUARY 9, 2018, THE GENERAL ASSEMBLY
SHALL STAND ADJOURNED SINE DIE.

Returned with concurrence.

Received as information.

**THE SENATE PROCEEDED TO A CONSIDERATION OF
REPORTS OF COMMITTEES OF CONFERENCE AND FREE
CONFERENCE.**

**S. 179--REPORT OF THE
COMMITTEE OF CONFERENCE ADOPTED**

S. 179 -- Senators Hutto and Hembree: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 19 TO CHAPTER 53, TITLE 44 SO AS TO PROVIDE LIMITED IMMUNITY FROM PROSECUTION FOR CERTAIN DRUG AND ALCOHOL-RELATED OFFENSES COMMITTED BY A PERSON WHO SEEKS MEDICAL ASSISTANCE FOR ANOTHER PERSON WHO IS EXPERIENCING A DRUG OR ALCOHOL-RELATED OVERDOSE OR BY A PERSON WHO IS EXPERIENCING A DRUG OR ALCOHOL-RELATED OVERDOSE AND SEEKS MEDICAL ASSISTANCE, TO ALLOW THE COURT TO CONSIDER AS A MITIGATING FACTOR IN PROCEEDINGS RELATED TO OTHER CRIMINAL OFFENSES WHETHER THE PERSON SOUGHT MEDICAL ASSISTANCE FOR A PERSON EXPERIENCING AN OVERDOSE, TO LIMIT THE IMMUNITY TO ALLOW PROSECUTION OF A PERSON FOR OTHER CRIMES ARISING OUT OF THE DRUG OR ALCOHOL-RELATED OVERDOSE, TO ALLOW FOR ADMISSIBILITY OF CERTAIN EVIDENCE, TO PROVIDE CIVIL AND CRIMINAL IMMUNITY FOR LAW ENFORCEMENT OFFICERS RELATING TO THE ARREST OF A PERSON LATER DETERMINED TO QUALIFY FOR LIMITED IMMUNITY, AND FOR OTHER PURPOSES.

On motion of Senator HUTTO, with unanimous consent, the Report of the Committee of Conference was taken up for immediate consideration.

Senator HUTTO spoke on the report.

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The question then was adoption of the Report of Committee of Conference.

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

Ayes 41; Nays 0

AYES

Alexander	Allen	Bennett
Campbell	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Goldfinch	Gregory	Grooms
Hembree	Hutto	Jackson
Kimpson	Leatherman	Martin
Massey	<i>Matthews, Margie</i>	McElveen
McLeod	Nicholson	Peeler
Rankin	Reese	Rice
Sabb	Scott	Setzler
Shealy	Sheheen	Talley
Timmons	Turner	Verdin
Williams	Young	

Total--41

NAYS

Total--0

The Report of Conference Committee was adopted as follows:

S. 179--Conference Report

The General Assembly, Columbia, S.C., June 6, 2017

The COMMITTEE OF CONFERENCE, to whom was referred:

S. 179 -- Senators Hutto and Hembree: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 19 TO CHAPTER 53, TITLE 44 SO AS TO PROVIDE LIMITED IMMUNITY FROM PROSECUTION FOR CERTAIN DRUG AND ALCOHOL-RELATED OFFENSES COMMITTED BY A PERSON WHO SEEKS MEDICAL ASSISTANCE FOR ANOTHER

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PERSON WHO IS EXPERIENCING A DRUG OR ALCOHOL-RELATED OVERDOSE OR BY A PERSON WHO IS EXPERIENCING A DRUG OR ALCOHOL-RELATED OVERDOSE AND SEEKS MEDICAL ASSISTANCE, TO ALLOW THE COURT TO CONSIDER AS A MITIGATING FACTOR IN PROCEEDINGS RELATED TO OTHER CRIMINAL OFFENSES WHETHER THE PERSON SOUGHT MEDICAL ASSISTANCE FOR A PERSON EXPERIENCING AN OVERDOSE, TO LIMIT THE IMMUNITY TO ALLOW PROSECUTION OF A PERSON FOR OTHER CRIMES ARISING OUT OF THE DRUG OR ALCOHOL-RELATED OVERDOSE, TO ALLOW FOR ADMISSIBILITY OF CERTAIN EVIDENCE, TO PROVIDE CIVIL AND CRIMINAL IMMUNITY FOR LAW ENFORCEMENT OFFICERS RELATING TO THE ARREST OF A PERSON LATER DETERMINED TO QUALIFY FOR LIMITED IMMUNITY, AND FOR OTHER PURPOSES.

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

That the same do pass with the following amendments: (Reference is to Printer's Version 05/10/17.)

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

/ SECTION 1. Chapter 53, Title 44 of the 1976 Code is amended by adding:

Article 19

Drug or Alcohol-Related Overdose Medical Treatment

Section 44-53-1910. As used in this article:

(1) 'Controlled substance' has the same meaning as provided in Section 44-53-110.

(2) 'Drug or alcohol-related overdose' means an acute condition, including mania, hysteria, extreme physical illness, coma, or death resulting from the consumption or use of a controlled substance, alcohol, or another substance with which a controlled substance or alcohol was combined, that a layperson would reasonably believe to be a drug or alcohol overdose that requires medical assistance.

(3) 'Seeks medical assistance' means seeking medical assistance by contacting the 911 system, a law enforcement officer, or emergency services personnel.

Section 44-53-1920. (A) A person who seeks medical assistance for another person who appears to be experiencing a drug or alcohol-related overdose may not be prosecuted for any of the offenses listed in

subsection (B), if the evidence for prosecution was obtained as a result of the person seeking medical assistance for the apparent overdose on the premises or immediately after seeking medical assistance and the person:

- (1) acted in good faith when seeking medical assistance, upon a reasonable belief that he was the first person to call for assistance;
- (2) provided his own name to the 911 system or to a law enforcement officer upon arrival; and
- (3) did not seek medical assistance during the course of the execution of an arrest warrant, search warrant, or other lawful search.

(B) A person who seeks medical assistance for another person in accordance with the requirements of subsection (A) may not be prosecuted for:

- (1) dispensing or delivering a controlled substance in violation of Section 44-53-370(a), when the controlled substance is dispensed or delivered directly to the person who appears to be experiencing a drug-related overdose;
- (2) possessing a controlled substance in violation of Section 44-53-370(c);
- (3) possessing less than one gram of methamphetamine or cocaine base in violation of Section 44-53-375(A);
- (4) dispensing or delivering methamphetamine or cocaine base in violation of Section 44-53-375(B), when the methamphetamine or cocaine base is dispensed or delivered directly to the person who appears to be experiencing a drug-related overdose;
- (5) possessing paraphernalia in violation of Section 44-53-391;
- (6) selling or delivering paraphernalia in violation of Section 44-53-391, when the sale or delivery is to the person who appears to be experiencing a drug-related overdose;
- (7) purchasing, attempting to purchase, consuming, or knowingly possessing alcoholic beverages in violation of Section 63-19-2440;
- (8) transferring or giving to a person under the age of twenty-one years for consumption beer or wine in violation of Section 61-4-90; or
- (9) contributing to the delinquency of a minor in violation of Section 16-17-490.

(C) If the person seeking medical assistance pursuant to this section previously has sought medical assistance for another person pursuant to this article, the court may consider the circumstances of the

prior incidents and the related offenses to determine whether to grant the person immunity from prosecution.

(D) A person described in this section must use his or her own name when contacting authorities, fully cooperate with law enforcement and medical personnel, and must remain with the individual needing medical assistance until help arrives.

Section 44-53-1930. (A) A person who experiences a drug or alcohol-related overdose and is in need of medical assistance may not be prosecuted for any of the offenses listed in Section 44-53-1920 if the evidence for prosecution was obtained as a result of the drug or alcohol-related overdose and need for medical assistance.

(B) A person described in Section 44-53-1920 must use his or her own name when contacting authorities, and fully cooperate with law enforcement and medical personnel.

Section 44-53-1940. The court may consider a person's decision to seek medical assistance pursuant to Section 44-53-1920(A) or 44-53-1930 as a mitigating factor in a criminal prosecution or sentencing for a drug or alcohol-related offense that is not an offense listed in Section 44-53-1920(B).

Section 44-53-1950. This article does not prohibit a person from being arrested, charged, or prosecuted, or from having his supervision status modified or revoked, based on an offense other than an offense listed in Section 44-53-1920(B), whether or not the offense arises from the same circumstances for which the person sought medical assistance.

Section 44-53-1960. Nothing in this section may be construed to:

(1) limit the admissibility of any evidence in connection with the investigation or prosecution of a crime with regard to a defendant who does not qualify for the protections of Section 44-53-1920(A) or with regard to other crimes committed by a person who otherwise qualifies for protection pursuant to Section 44-53-1920(A) or Section 44-53-1930;

(2) limit any seizure of evidence or contraband otherwise permitted by law; or

(3) limit or abridge the authority of a law enforcement officer to detain or take into custody a person in the course of an investigation or to effect an arrest for any offense, except as provided in Section 44-53-1920(A) or Section 44-53-1930.

Section 44-53-1970. A law enforcement officer who arrests a person for an offense listed in Section 44-53-1920(B) is not subject to criminal prosecution, or civil liability, for false arrest or false imprisonment if the officer made the arrest based on probable cause."

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

/s/Sen. Brad Hutto /s/Rep. Russell W. Frey
/s/Sen. Greg Hembree /s/Rep. Eric Michael Bedingfield
/s/Sen. Paul G. Campbell, Jr. /s/Rep. Robert Lee Ridgeway III
On Part of the Senate. On Part of the House.

, and a message was sent to the House accordingly.

Message from the House

Columbia, S.C., June 6, 2017

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has adopted the Report of the Committee of Conference on:

S. 179 -- Senators Hutto and Hembree: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 19 TO CHAPTER 53, TITLE 44 SO AS TO PROVIDE LIMITED IMMUNITY FROM PROSECUTION FOR CERTAIN DRUG AND ALCOHOL-RELATED OFFENSES COMMITTED BY A PERSON WHO SEEKS MEDICAL ASSISTANCE FOR ANOTHER PERSON WHO IS EXPERIENCING A DRUG OR ALCOHOL-RELATED OVERDOSE OR BY A PERSON WHO IS EXPERIENCING A DRUG OR ALCOHOL-RELATED OVERDOSE AND SEEKS MEDICAL ASSISTANCE, TO ALLOW THE COURT TO CONSIDER AS A MITIGATING FACTOR IN PROCEEDINGS RELATED TO OTHER CRIMINAL OFFENSES WHETHER THE PERSON SOUGHT MEDICAL ASSISTANCE FOR A PERSON EXPERIENCING AN OVERDOSE, TO LIMIT THE IMMUNITY TO ALLOW PROSECUTION OF A PERSON FOR OTHER CRIMES ARISING OUT OF THE DRUG OR ALCOHOL-RELATED OVERDOSE, TO ALLOW FOR ADMISSIBILITY OF CERTAIN EVIDENCE, TO PROVIDE CIVIL AND CRIMINAL IMMUNITY FOR LAW ENFORCEMENT OFFICERS RELATING TO THE ARREST OF A PERSON LATER DETERMINED TO QUALIFY FOR LIMITED IMMUNITY, AND FOR OTHER PURPOSES.

Very respectfully,
Speaker of the House

Received as information.

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**S. 179--REPORT OF COMMITTEE OF CONFERENCE
ENROLLED FOR RATIFICATION**

S. 179 -- Senators Hutto and Hembree: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 19 TO CHAPTER 53, TITLE 44 SO AS TO PROVIDE LIMITED IMMUNITY FROM PROSECUTION FOR CERTAIN DRUG AND ALCOHOL-RELATED OFFENSES COMMITTED BY A PERSON WHO SEEKS MEDICAL ASSISTANCE FOR ANOTHER PERSON WHO IS EXPERIENCING A DRUG OR ALCOHOL-RELATED OVERDOSE OR BY A PERSON WHO IS EXPERIENCING A DRUG OR ALCOHOL-RELATED OVERDOSE AND SEEKS MEDICAL ASSISTANCE, TO ALLOW THE COURT TO CONSIDER AS A MITIGATING FACTOR IN PROCEEDINGS RELATED TO OTHER CRIMINAL OFFENSES WHETHER THE PERSON SOUGHT MEDICAL ASSISTANCE FOR A PERSON EXPERIENCING AN OVERDOSE, TO LIMIT THE IMMUNITY TO ALLOW PROSECUTION OF A PERSON FOR OTHER CRIMES ARISING OUT OF THE DRUG OR ALCOHOL-RELATED OVERDOSE, TO ALLOW FOR ADMISSIBILITY OF CERTAIN EVIDENCE, TO PROVIDE CIVIL AND CRIMINAL IMMUNITY FOR LAW ENFORCEMENT OFFICERS RELATING TO THE ARREST OF A PERSON LATER DETERMINED TO QUALIFY FOR LIMITED IMMUNITY, AND FOR OTHER PURPOSES.

The Report of the Committee of Conference having been adopted by both Houses, ordered that the title be changed to that of an Act, and the Act enrolled for Ratification.

A message was sent to the House accordingly.

**S. 289--REPORT OF THE
COMMITTEE OF CONFERENCE ADOPTED**

S. 289 -- Senators Shealy, Rankin, McElveen, Sheheen, Hutto and McLeod: A BILL TO ENACT THE "SOUTH CAROLINA CRIME VICTIM SERVICES ACT" TO RESTRUCTURE AND CONSOLIDATE VICTIM SERVICES; TO AMEND CHAPTER 7, TITLE 1 OF THE 1976 CODE, RELATING TO THE ATTORNEY GENERAL AND SOLICITORS, BY ADDING ARTICLE 8, TO CREATE THE OFFICE OF THE ATTORNEY GENERAL, SOUTH CAROLINA CRIME VICTIM SERVICES DIVISION, TO MOVE THE STATE OFFICE OF VICTIM ASSISTANCE, THE SOUTH CAROLINA CRIME VICTIM OMBUDSMAN, AND THAT

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PORTION OF THE OFFICE OF HIGHWAY SAFETY AND JUSTICE PROGRAMS UNDER THE DEPARTMENT OF PUBLIC SAFETY THAT ADMINISTERS CERTAIN VICTIM SERVICES GRANTS UNDER THE NEWLY CREATED DIVISION, AND TO CREATE FOUR DEPARTMENTS UNDER THE DIVISION TO OVERSEE AND ADMINISTER DIFFERENT ASPECTS OF THE VICTIM SERVICES DELIVERY SYSTEM; TO AMEND SECTION 1-11-10(A), RELATING TO OFFICES AND DIVISIONS UNDER THE DEPARTMENT OF ADMINISTRATION, TO DELETE THOSE VICTIM SERVICES OFFICES AND OTHER ENTITIES THAT ARE MOVED TO THE NEW DIVISION; TO AMEND SECTIONS 14-1-203, 14-1-204(A), 14-1-205, 14-1-206(C), 14-1-207(C), 14-1-208(C), AND 14-1-210(A), RELATING TO THE DISTRIBUTION OF CERTAIN FILING FEES, TO MAKE CONFORMING CHANGES REFLECTING THE RESTRUCTURING OF VICTIM SERVICES GENERALLY RELATING TO THAT PORTION OF THE FEES DISTRIBUTED TO THE VICTIM COMPENSATION FUND; TO AMEND SECTIONS 16-3-1110, 16-3-1120, 16-3-1140, 16-3-1150, 16-3-1160, 16-3-1170, 16-3-1180, 16-3-1220, 16-3-1230, 16-3-1240, 16-3-1260, 16-3-1290, 16-3-1330, 16-3-1340, AND 16-3-1350, RELATING TO THE COMPENSATION OF VICTIMS OF CRIME, TO MAKE CONFORMING CHANGES REFLECTING THE RESTRUCTURING OF VICTIM SERVICES GENERALLY RELATING TO THE VICTIM COMPENSATION FUND AND CERTAIN RESPONSIBILITIES OF THE NEWLY CREATED OFFICE OF THE ATTORNEY GENERAL, SOUTH CAROLINA CRIME SERVICES DIVISION, DEPARTMENT OF CRIME VICTIM COMPENSATION; TO AMEND ARTICLE 14, CHAPTER 3, TITLE 16, TO RENAME THE ARTICLE "CRIME VICTIM SERVICES TRAINING, PROVIDER CERTIFICATION, AND STATISTICAL ANALYSIS", TO MAKE CONFORMING CHANGES REFLECTING THE RESTRUCTURING OF VICTIM SERVICES ALL GENERALLY RELATING TO THE NEWLY CREATED OFFICE OF THE ATTORNEY GENERAL, SOUTH CAROLINA CRIME VICTIM SERVICES DIVISION, DEPARTMENT OF CRIME VICTIM SERVICES TRAINING, PROVIDER CERTIFICATION, AND STATISTICAL ANALYSIS, AND ITS RESPONSIBILITIES, TO MAKE CONFORMING CHANGES TO THE VICTIM SERVICES COORDINATING COUNCIL, AND TO PROVIDE THAT THE DIRECTOR OF THE

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SOUTH CAROLINA CRIME VICTIM SERVICES DIVISION SHALL SERVE AS CHAIRPERSON; TO AMEND ARTICLE 16, CHAPTER 3, TITLE 16, TO RENAME THE ARTICLE “CRIME VICTIM OMBUDSMAN”, TO MAKE CONFORMING CHANGES REFLECTING THE RESTRUCTURING OF VICTIM SERVICES ALL GENERALLY RELATING TO THE NEWLY CREATED OFFICE OF THE ATTORNEY GENERAL, SOUTH CAROLINA CRIME VICTIM SERVICES DIVISION, DEPARTMENT OF CRIME VICTIM OMBUDSMAN AND ITS RESPONSIBILITIES, AND TO PROVIDE A PROCEDURE FOR COMPLAINTS REGARDING THE OFFICE OF THE ATTORNEY GENERAL, SOUTH CAROLINA CRIME VICTIM SERVICES DIVISION AND ITS AFFILIATED DEPARTMENTS TO BE HANDLED THROUGH THE OMBUDSMAN WITH APPEAL TO THE STATE INSPECTOR GENERAL; TO AMEND CHAPTER 3, TITLE 16, BY ADDING ARTICLE 12, TO ENTITLE THE ARTICLE “CRIME VICTIM ASSISTANCE GRANTS”, AND TO PROVIDE THAT THE OFFICE OF THE ATTORNEY GENERAL, SOUTH CAROLINA CRIME VICTIM SERVICES DIVISION, DEPARTMENT OF CRIME VICTIM ASSISTANCE GRANTS WILL BE RUN BY A DEPUTY DIRECTOR WHO SHALL ESTABLISH A PROCESS TO SOLICIT AND ADMINISTER CERTAIN VICTIM SERVICES GRANTS AND THE DISBURSEMENT OF FUNDS FROM THOSE GRANTS; TO AMEND SECTIONS 23-6-500, 23-6-510, AND 23-6-520, RELATING TO THE SOUTH CAROLINA PUBLIC SAFETY COORDINATING COUNCIL, TO MAKE CONFORMING CHANGES TO INCLUDE THE OFFICE OF THE ATTORNEY GENERAL, SOUTH CAROLINA CRIME VICTIM SERVICES DIVISION, DEPARTMENT OF CRIME VICTIM ASSISTANCE GRANTS IN THE GRANT PROCESS UNDER CERTAIN CIRCUMSTANCES, AND TO REVISE THE COUNCIL’S MEMBERSHIP TO INCLUDE THE ATTORNEY GENERAL AND A VICTIM WITH A DOCUMENTED HISTORY OF VICTIMIZATION APPOINTED BY THE ATTORNEY GENERAL; TO AMEND SECTION 16-5-445(C), RELATING TO THE SEIZURE AND FORFEITURE OF EQUIPMENT USED IN VIOLATION OF A CRIME, AND SECTION 24-3-40(A)(2)(b), RELATING TO THE PRISON INDUSTRIES PROGRAM AND DISTRIBUTION OF PRISONER WAGES, TO MAKE CONFORMING CHANGES REFLECTING THE RESTRUCTURING OF VICTIM SERVICES GENERALLY RELATING TO THE VICTIM COMPENSATION

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FUND; TO AMEND SECTIONS 14-1-206(E), 14-1-207(E), AND 14-1-208(E), RELATING TO THE DISTRIBUTION OF CERTAIN FILING FEES, TO MAKE CONFORMING CHANGES REFLECTING THE RESTRUCTURING OF VICTIM SERVICES GENERALLY, AND TO PROVIDE FOR THE UNIFORM SUPPLEMENTAL SCHEDULE FORM TO BE DEVELOPED BY THE OFFICE OF THE ATTORNEY GENERAL, SOUTH CAROLINA CRIME VICTIM SERVICES DIVISION; AND BY ADDING SECTIONS 14-1-211.5, 14-1-211.6, AND 14-1-211.7, TO CODIFY EXISTING BUDGET PROVISOS RELATING TO THE DISTRIBUTION OF CERTAIN CRIME VICTIM FUNDS, TO PROVIDE FOR THE AUTHORITY OF THE VICTIM COMPENSATION FUND TO TRANSFER ANY STATE FUNDS DEEMED AVAILABLE TO THE DEPARTMENT OF CRIME VICTIM ASSISTANCE GRANTS UNDER CERTAIN CIRCUMSTANCES, TO PROVIDE FOR AUDITING AND REPORTING PROCEDURES FOR VICTIM SERVICES PROVIDERS, AND TO TRANSFER A CERTAIN SUM FROM THE DEPARTMENT OF CORRECTIONS TO THE SOUTH CAROLINA CRIME VICTIM SERVICES DIVISION.

On motion of Senator HUTTO, with unanimous consent, the Report of the Committee of Conference was taken up for immediate consideration.

Senator HUTTO spoke on the report.

The question then was adoption of the Report of Committee of Conference.

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

Ayes 35; Nays 0

AYES

Alexander	Allen	Bennett
Campbell	Climer	Corbin
Cromer	Davis	Fanning
Gambrell	Grooms	Hembree
Hutto	Jackson	Kimpson
Leatherman	Martin	Massey

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<i>Matthews, Margie</i>	McElveen	Nicholson
Peeler	Rankin	Reese
Rice	Sabb	Scott
Setzler	Shealy	Talley
Timmons	Turner	Verdin
Williams	Young	

Total--35

NAYS

Total--0

The Report of Conference Committee was adopted as follows:

S. 289--Conference Report

The General Assembly, Columbia, S.C., May 23, 2017

The COMMITTEE OF CONFERENCE, to whom was referred:

S. 289 -- Senators Shealy, Rankin, McElveen, Shehee, Hutto, and McLeod: A BILL TO ENACT THE "SOUTH CAROLINA CRIME VICTIM SERVICES ACT" TO RESTRUCTURE AND CONSOLIDATE VICTIM SERVICES; TO AMEND CHAPTER 7, TITLE 1 OF THE 1976 CODE, RELATING TO THE ATTORNEY GENERAL AND SOLICITORS, BY ADDING ARTICLE 8, TO CREATE THE OFFICE OF THE ATTORNEY GENERAL, SOUTH CAROLINA CRIME VICTIM SERVICES DIVISION, TO MOVE THE STATE OFFICE OF VICTIM ASSISTANCE, THE SOUTH CAROLINA CRIME VICTIM OMBUDSMAN, AND THAT PORTION OF THE OFFICE OF HIGHWAY SAFETY AND JUSTICE PROGRAMS UNDER THE DEPARTMENT OF PUBLIC SAFETY THAT ADMINISTERS CERTAIN VICTIM SERVICES GRANTS UNDER THE NEWLY CREATED DIVISION, AND TO CREATE FOUR DEPARTMENTS UNDER THE DIVISION TO OVERSEE AND ADMINISTER DIFFERENT ASPECTS OF THE VICTIM SERVICES DELIVERY SYSTEM; TO AMEND SECTION 1-11-10(A), RELATING TO OFFICES AND DIVISIONS UNDER THE DEPARTMENT OF ADMINISTRATION, TO DELETE THOSE VICTIM SERVICES OFFICES AND OTHER ENTITIES THAT ARE MOVED TO THE NEW DIVISION; TO AMEND SECTIONS

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14-1-203, 14-1-204(A), 14-1-205, 14-1-206(C), 14-1-207(C), 14-1-208(C), AND 14-1-210(A), RELATING TO THE DISTRIBUTION OF CERTAIN FILING FEES, TO MAKE CONFORMING CHANGES REFLECTING THE RESTRUCTURING OF VICTIM SERVICES GENERALLY RELATING TO THAT PORTION OF THE FEES DISTRIBUTED TO THE VICTIM COMPENSATION FUND; TO AMEND SECTIONS 16-3-1110, 16-3-1120, 16-3-1140, 16-3-1150, 16-3-1160, 16-3-1170, 16-3-1180, 16-3-1220, 16-3-1230, 16-3-1240, 16-3-1260, 16-3-1290, 16-3-1330, 16-3-1340, AND 16-3-1350, RELATING TO THE COMPENSATION OF VICTIMS OF CRIME, TO MAKE CONFORMING CHANGES REFLECTING THE RESTRUCTURING OF VICTIM SERVICES GENERALLY RELATING TO THE VICTIM COMPENSATION FUND AND CERTAIN RESPONSIBILITIES OF THE NEWLY CREATED OFFICE OF THE ATTORNEY GENERAL, SOUTH CAROLINA CRIME SERVICES DIVISION, DEPARTMENT OF CRIME VICTIM COMPENSATION; TO AMEND ARTICLE 14, CHAPTER 3, TITLE 16, TO RENAME THE ARTICLE "CRIME VICTIM SERVICES TRAINING, PROVIDER CERTIFICATION, AND STATISTICAL ANALYSIS", TO MAKE CONFORMING CHANGES REFLECTING THE RESTRUCTURING OF VICTIM SERVICES ALL GENERALLY RELATING TO THE NEWLY CREATED OFFICE OF THE ATTORNEY GENERAL, SOUTH CAROLINA CRIME VICTIM SERVICES DIVISION, DEPARTMENT OF CRIME VICTIM SERVICES TRAINING, PROVIDER CERTIFICATION, AND STATISTICAL ANALYSIS, AND ITS RESPONSIBILITIES, TO MAKE CONFORMING CHANGES TO THE VICTIM SERVICES COORDINATING COUNCIL, AND TO PROVIDE THAT THE DIRECTOR OF THE SOUTH CAROLINA CRIME VICTIM SERVICES DIVISION SHALL SERVE AS CHAIRPERSON; TO AMEND ARTICLE 16, CHAPTER 3, TITLE 16, TO RENAME THE ARTICLE "CRIME VICTIM OMBUDSMAN", TO MAKE CONFORMING CHANGES REFLECTING THE RESTRUCTURING OF VICTIM SERVICES ALL GENERALLY RELATING TO THE NEWLY CREATED OFFICE OF THE ATTORNEY GENERAL, SOUTH CAROLINA CRIME VICTIM SERVICES DIVISION, DEPARTMENT OF CRIME VICTIM OMBUDSMAN AND ITS RESPONSIBILITIES, AND TO PROVIDE A PROCEDURE FOR COMPLAINTS REGARDING THE OFFICE OF THE ATTORNEY GENERAL, SOUTH CAROLINA

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CRIME VICTIM SERVICES DIVISION AND ITS AFFILIATED DEPARTMENTS TO BE HANDLED THROUGH THE OMBUDSMAN WITH APPEAL TO THE STATE INSPECTOR GENERAL; TO AMEND CHAPTER 3, TITLE 16, BY ADDING ARTICLE 12, TO ENTITLE THE ARTICLE "CRIME VICTIM ASSISTANCE GRANTS", AND TO PROVIDE THAT THE OFFICE OF THE ATTORNEY GENERAL, SOUTH CAROLINA CRIME VICTIM SERVICES DIVISION, DEPARTMENT OF CRIME VICTIM ASSISTANCE GRANTS WILL BE RUN BY A DEPUTY DIRECTOR WHO SHALL ESTABLISH A PROCESS TO SOLICIT AND ADMINISTER CERTAIN VICTIM SERVICES GRANTS AND THE DISBURSEMENT OF FUNDS FROM THOSE GRANTS; TO AMEND SECTIONS 23-6-500, 23-6-510, AND 23-6-520, RELATING TO THE SOUTH CAROLINA PUBLIC SAFETY COORDINATING COUNCIL, TO MAKE CONFORMING CHANGES TO INCLUDE THE OFFICE OF THE ATTORNEY GENERAL, SOUTH CAROLINA CRIME VICTIM SERVICES DIVISION, DEPARTMENT OF CRIME VICTIM ASSISTANCE GRANTS IN THE GRANT PROCESS UNDER CERTAIN CIRCUMSTANCES, AND TO REVISE THE COUNCIL'S MEMBERSHIP TO INCLUDE THE ATTORNEY GENERAL AND A VICTIM WITH A DOCUMENTED HISTORY OF VICTIMIZATION APPOINTED BY THE ATTORNEY GENERAL; TO AMEND SECTION 16-5-445(C), RELATING TO THE SEIZURE AND FORFEITURE OF EQUIPMENT USED IN VIOLATION OF A CRIME, AND SECTION 24-3-40(A)(2)(b), RELATING TO THE PRISON INDUSTRIES PROGRAM AND DISTRIBUTION OF PRISONER WAGES, TO MAKE CONFORMING CHANGES REFLECTING THE RESTRUCTURING OF VICTIM SERVICES GENERALLY RELATING TO THE VICTIM COMPENSATION FUND; TO AMEND SECTIONS 14-1-206(E), 14-1-207(E), AND 14-1-208(E), RELATING TO THE DISTRIBUTION OF CERTAIN FILING FEES, TO MAKE CONFORMING CHANGES REFLECTING THE RESTRUCTURING OF VICTIM SERVICES GENERALLY, AND TO PROVIDE FOR THE UNIFORM SUPPLEMENTAL SCHEDULE FORM TO BE DEVELOPED BY THE OFFICE OF THE ATTORNEY GENERAL, SOUTH CAROLINA CRIME VICTIM SERVICES DIVISION; AND BY ADDING SECTIONS 14-1-211.5, 14-1-211.6, AND 14-1-211.7, TO CODIFY EXISTING BUDGET PROVISOS RELATING TO THE DISTRIBUTION OF CERTAIN CRIME VICTIM FUNDS, TO

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PROVIDE FOR THE AUTHORITY OF THE VICTIM COMPENSATION FUND TO TRANSFER ANY STATE FUNDS DEEMED AVAILABLE TO THE DEPARTMENT OF CRIME VICTIM ASSISTANCE GRANTS UNDER CERTAIN CIRCUMSTANCES, TO PROVIDE FOR AUDITING AND REPORTING PROCEDURES FOR VICTIM SERVICES PROVIDERS, AND TO TRANSFER A CERTAIN SUM FROM THE DEPARTMENT OF CORRECTIONS TO THE SOUTH CAROLINA CRIME VICTIM SERVICES DIVISION.

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

That the same do pass with the following amendments: (Reference is to Printer's Version 5/3/2017-A.)

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

/ SECTION 1. This act may be cited as the "South Carolina Crime Victim Services Act."

PART I

Restructure and Consolidation of Victim Services

SECTION 2. Chapter 7, Title 1 of the 1976 Code is amended by adding:

Article 8

South Carolina Crime Victim Services

Section 1-7-1100. The following agencies, boards, and commissions, including all the allied, advisory, affiliated, or related entities, as well as the employees, funds, property, and all contractual rights and obligations associated with any such agency, except for those subdivisions specifically included under another department, are hereby transferred to and incorporated in and shall be administered as part of the Office of the Attorney General, South Carolina Crime Victim Services Division:

(1) State Office of Victim Assistance, provided for in Articles 13 and 14, Chapter 3, Title 16;

(2) South Carolina Crime Victim Ombudsman, provided for in Article 16, Chapter 3, Title 16;

(3) that portion of the Office of Highway Safety and Justice Programs of the Department of Public Safety that administers the Victims of Crime Act grants, the Violence Against Women Act grants, and the State Victim Assistance Program grants.

Section 1-7-1110. (A) There is created the South Carolina Crime Victim Services (SCCVS) Division in the Office of the Attorney General

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under the Attorney General's authority. The division must be headed by a director appointed by the Attorney General who shall hold office until his successor is appointed and qualified. There are created four departments within the division, the:

- (1) Department of Crime Victim Compensation;
- (2) Department of Crime Victim Assistance Grants;
- (3) Department of Crime Victim Services Training, Provider Certification, and Statistical Analysis; and
- (4) Department of Crime Victim Ombudsman.

The director shall appoint the three deputy directors, pursuant to items (1), (2), and (3), and the Ombudsman.

(B) Information including, but not limited to, all papers, files, or investigative materials requested or voluntarily provided and received by any department of the Office of the Attorney General, South Carolina Crime Services Division relating to a particular victim of crime, is confidential and retains its confidential status at all times and may not be shared with other divisions or departments within the Office of the Attorney General in order to pursue prosecution of that victim. In addition, confidential information as defined in this section is not subject to release pursuant to Chapter 4, Title 30, the Freedom of Information Act."

SECTION 3. Section 1-11-10(A) of the 1976 Code is amended to read:

“Section 1-11-10. (A) There is hereby created, within the executive branch of the state government, the Department of Administration, headed by a director appointed by the Governor upon the advice and consent of the Senate who only may be removed pursuant to Section 1-3-240(B). Effective July 1, 2015, the following offices, divisions, or components of the former State Budget and Control Board, Office of the Governor, or other agencies are transferred to, and incorporated into, the Department of Administration:

(1) the Division of General Services, including Business Operations, Facilities Management, State Building and Property Services, and Agency Services, including surplus property, intrastate mail, parking, state fleet management, except that the Division of General Services shall not be transferred to the Department of Administration until the Director of the Department of Administration enters into a memorandum of understanding with appropriate officials of applicable legislative and judicial agencies or departments meeting the requirements of this subsection. There shall be a single memorandum of

understanding involving the Department of Administration and the legislative and judicial branches with appropriate officials of each to be signatories to the memorandum of understanding.

(a) The memorandum of understanding shall provide for:

- (i) continued use of existing office space;
- (ii) a method for the allocation of new, additional, or different office space;
- (iii) adequate parking;
- (iv) a method for the allocation of new, additional, or different parking;
- (v) the provision of appropriate levels of electrical, mechanical, maintenance, energy management, fire protection, custodial, project management, safety and building renovation, and other services currently provided by the General Services Division of the State Budget and Control Board;
- (vi) the provision of water, electricity, steam, and chilled water to the offices, areas, and facilities occupied by the applicable agencies;
- (vii) the ability for each agency or department to maintain building access control for its allocated office space; and
- (viii) access control for the Senate and House chambers and courtrooms as appropriate.

(b) The parties may modify the memorandum of understanding by mutual consent at any time.

(c) The General Services Division must provide the services described in subsection (a) and any other maintenance and support, at a level that is greater than or equal to what is provided prior to the effective date of this act, to each building on the Capitol Complex, including the Supreme Court, without charge. The General Services Division must coordinate with the appropriate officials of applicable legislative and judicial agencies or departments when providing these services to the buildings and areas controlled by those agencies;

- (2) the State Office of Human Resources;
- (3) the Guardian Ad Litem Program as established in Article 5, Chapter 11, Title 63;
- (4) the Office of Economic Opportunity, the office designated by the Governor to be the state administering agency that is responsible for the receipt and distribution of the federal funds as allocated to South Carolina for the implementation of Title VI, Public Law 97-35;

- (5) the Developmental Disabilities Council as established by Executive Order in 1971 and reauthorized in 2010;
- (6) the Continuum of Care for Emotionally Disturbed Children as established in Article 13, Chapter 11, Title 63;
- (7) the Division for Review of the Foster Care of Children as established by Article 7, Chapter 11, Title 63;
- (8) the Children's Case Resolution System as established by Article 11, Chapter 11, Title 63;
- (9) the Client Assistance Program;
- (10) the Division of Veterans' Affairs as established by Chapter 11, Title 25;
- (11) the Commission on Women as established by Chapter 15, Title 1;
- (12) ~~the Office of Victims Assistance, including the South Carolina Victims Advisory Board and the Victims Compensation Fund, both as established by Article 13, Chapter 3, Title 16;~~
- (13) ~~the Crime Victims' Ombudsman as established by Article 16, Chapter 3, Title 16;~~
- (14) the Governor's Office of Ombudsman;
- (15)(13) the Division of Small and Minority Business Contracting and Certification, as established pursuant to Article 21, Chapter 35, Title 11, formerly known as the Small and Minority Business Assistance Office;
- (16)(14) the Division of State Information Technology, including the Data Center, Telecommunications and Information Technology Services, the South Carolina Enterprise Information System, and the Division of Information Security; and
- (17)(15) the Nuclear Advisory Council as established in Article 9, Chapter 7, Title 13."

PART II
Conforming Changes

SECTION 4. A. Section 14-1-203 of the 1976 Code is amended to read:

"Section 14-1-203. The revenue from the fee set in Section 63-3-370(C) must be remitted to the county in which the proceeding is instituted. Forty-four percent of the revenues must be remitted monthly by the fifteenth day of each month to the State Treasurer on forms in a manner prescribed by him. When payment is made to the county in installments, the state's portion must be remitted to the State Treasurer

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by the county treasurer on a monthly basis. The forty-four percent remitted to the State Treasurer must be deposited as follows:

- (1) 43.76 percent to the general fund;
- (2) 10.04 percent to the Department of Mental Health to be used exclusively for the treatment and rehabilitation of drug addicts within the department's addiction center facilities;
- (3) 6.20 percent to the ~~State Office of Victim Assistance under the South Carolina Victim's Compensation Fund Office of the Attorney General, South Carolina Crime Victim Services Division, Department of Crime Victim Compensation, Victim Compensation Fund~~; and
- (4) 40.00 percent to the South Carolina Judicial Department."

B. Section 14-1-204(A) of the 1976 Code is amended to read:

"Section 14-1-204. (A) The one hundred dollar filing fee for documents and actions described in Section 8-21-310(11)(a) must be remitted to the county in which the proceeding is instituted, and fifty-six percent of these filing fee revenues must be delivered to the county treasurer to be remitted monthly by the fifteenth day of each month to the State Treasurer. When a payment is made to the county in installments, the state's portion must be remitted to the State Treasurer by the county treasurer on a monthly basis.

The fifty-six percent of the one-hundred-dollar fee prescribed in Section 8-21-310(11)(a) remitted to the State Treasurer must be deposited as follows:

- (1) 31.52 percent to the state general fund;
- (2) 7.23 percent to the Department of Mental Health to be used exclusively for the treatment and rehabilitation of drug addicts within the department's addiction center facilities;
- (3) 4.47 percent to the ~~State Office of Victim Assistance under the South Carolina Victim's Compensation Fund Office of the Attorney General, South Carolina Crime Victim Services Division, Department of Crime Victim Compensation, Victim Compensation Fund~~;
- (4) 26.78 percent to the Defense of Indigents Per Capita Fund, administered by the Commission on Indigent Defense, which shall then distribute these funds on December thirty-first and on June thirtieth of each year to South Carolina organizations that are grantees of the Legal Services Corporation, in amounts proportionate to each recipient's share of the state's poverty population; and
- (5) 30.00 percent to the South Carolina Judicial Department."

C. Section 14-1-205 of the 1976 Code is amended to read:

“Section 14-1-205. Except as provided in Sections 17-15-260, 34-11-90, ~~50-1-150, 50-1-170~~, and 56-5-4160, on January 1, 1995, fifty-six percent of all costs, fees, fines, penalties, forfeitures, and other revenues generated by the circuit courts and the family courts, except the ~~seventy~~ one hundred dollar filing fee prescribed in Section 8-21-310(11)(a) must be remitted to the county in which the proceeding is instituted and forty-four percent of the revenues must be delivered to the county treasurer to be remitted monthly by the fifteenth day of each month to the State Treasurer on forms and in a manner prescribed by him. When a payment is made to the county in installments, the state’s portion must be remitted to the State Treasurer by the County Treasurer on a monthly basis. The forty-four percent remitted to the State Treasurer must be deposited as follows:

- (1) 72.93 percent to the general fund;
- (2) 16.73 percent to the Department of Mental Health to be used exclusively for the treatment and rehabilitation of drug addicts within the department’s addiction center facilities;
- (3) 10.34 percent to the ~~State Office of Victim Assistance under the South Carolina Victim’s Compensation Fund~~ Office of the Attorney General, South Carolina Crime Victim Services Division, Department of Crime Victim Compensation, Victim Compensation Fund.

In any court, when sentencing a person convicted of an offense which has proximately caused physical injury or death to the victim, the court may order the defendant to pay a restitution charge commensurate with the offense committed, not to exceed ten thousand dollars, to the ~~Victim’s Compensation Fund~~ Office of the Attorney General, South Carolina Crime Victim Services Division, Department of Crime Victim Compensation, Victim Compensation Fund.”

D. Section 14-1-206(C) and (D) of the 1976 Code is amended to read:

“(C) After deducting amounts provided pursuant to Section 14-1-210, the State Treasurer shall deposit the balance of assessments received as follows:

- (1) 42.08 percent for programs established pursuant to Chapter 21 of Title 24 and the Shock Incarceration Program as provided in Article 13, Chapter 13 of Title 24;
- (2) 14.74 percent to the Law Enforcement Training Council for training in the fields of law enforcement and criminal justice;
- (3) .45 percent to the Department of Public Safety to defray the cost of erecting and maintaining the South Carolina Law Enforcement Officers Hall of Fame. When funds collected pursuant to this item

exceed the necessary costs and expenses of the South Carolina Law Enforcement Officers Hall of Fame operation and maintenance as determined by the Department of Public Safety, the department may retain, carry forward, and expend the surplus to defray the costs of maintaining and operating the Hall of Fame;

(4) 14.46 percent to the Office of Indigent Defense for the defense of indigents;

(5) 11.83 percent for the ~~State Office of Victim Assistance Office of the Attorney General, South Carolina Crime Victim Services Division, Department of Crime Victim Compensation, Victim Compensation Fund;~~

(6) 15.39 percent to the general fund;

(7) .89 percent to the Office of the Attorney General for a fund to provide support for counties involved in complex criminal litigation. For the purposes of this item, 'complex criminal litigation' means criminal cases in which the State is seeking the death penalty and has served notice as required by law upon the defendant's counsel, and the county involved has expended more than two hundred fifty thousand dollars for a particular case in direct support of operating the court of general sessions and for prosecution related expenses. The Attorney General shall develop guidelines for determining what expenses are reimbursable from the fund and shall approve all disbursements from the fund. Funds must be paid to a county for all expenditures authorized for reimbursement under this item except for the first one hundred thousand dollars the county expended in satisfying the requirements for reimbursement from the fund; however, money disbursed from this fund must be disbursed on a 'first received, first paid' basis. When revenue in the fund reaches five hundred thousand dollars, all revenue in excess of five hundred thousand dollars must be credited to the general fund of the State. Unexpended revenue in the fund at the end of the fiscal year carries over and may be expended in the next fiscal year; and

(8) .16 percent to the Office of the State Treasurer to defray the administrative expenses associated with collecting and distributing the revenue of these assessments.

(D) The revenue retained by the county under subsection (B) must be used for the provision of services for the victims of crime including those required by law. These funds must be appropriated for the exclusive purpose of providing victim services as required by Article 15, Chapter 3, of Title 16; specifically, those service requirements that are imposed on local law enforcement, local detention facilities, prosecutors, and the

summary courts. First priority must be given to those victims' assistance programs which are required by Article 15, Chapter 3, of Title 16 and second priority must be given to programs which expand victims' services beyond those required by Article 15, Chapter 3, of Title 16. All unused funds must be carried forward from year to year and used exclusively for the provision of services for victims of crime. All unused funds must be separately identified in the governmental entity's adopted budget as funds unused and carried forward from previous years."

E. Section 14-1-207(C) and (D) of the 1976 Code is amended to read:

"(C) After deducting amounts provided pursuant to Section 14-1-210, the State Treasurer shall deposit the balance of the assessments received as follows:

(1) 32.36 percent for programs established pursuant to Chapter 21 of Title 24 and the Shock Incarceration Program as provided in Article 13, Chapter 13, of Title 24;

(2) 20.72 percent to the Law Enforcement Training Council for training in the fields of law enforcement and criminal justice;

(3) .60 percent to the Department of Public Safety to defray the cost of erecting and maintaining the South Carolina Law Enforcement Officers Hall of Fame. When funds collected pursuant to this item exceed the necessary costs and expenses of the South Carolina Law Enforcement Officers Hall of Fame operation and maintenance as determined by the Department of Public Safety, the department may retain, carry forward, and expend the surplus to defray the costs of maintaining and operating the Hall of Fame;

(4) 18.82 percent for the State Office of Victim Assistance Office of the Attorney General, South Carolina Crime Victim Services Division, Department of Crime Victim Compensation, Victim Compensation Fund;

(5) 15.93 percent to the general fund;

(6) 10.49 percent to the Office of Indigent Defense for the defense of indigents;

(7) .92 percent to the Office of the Attorney General for a fund to provide support for counties involved in complex criminal litigation. For the purposes of this item, 'complex criminal litigation' means criminal cases in which the State is seeking the death penalty and has served notice as required by law upon the defendant's counsel and the county involved has expended more than two hundred fifty thousand dollars for a particular case in direct support of operating the court of general sessions and for prosecution related expenses. The Attorney General

shall develop guidelines for determining what expenses are reimbursable from the fund and shall approve all disbursements from the fund. Funds must be paid to a county for all expenditures authorized for reimbursement under this item except for the first one hundred thousand dollars the county expended in satisfying the requirements for reimbursement from the fund; however, money disbursed from this fund must be disbursed on a 'first received, first paid' basis. When revenue in the fund reaches five hundred thousand dollars, all revenue in excess of five hundred thousand dollars must be credited to the general fund of the State. Unexpended revenue in the fund at the end of the fiscal year carries over and may be expended in the next fiscal year; and

(8) .16 percent to the Office of the State Treasurer to defray the administrative expenses associated with collecting and distributing the revenue of these assessments.

(D) The revenue retained by the county under subsection (B) must be used for the provision of services for the victims of crime including those required by law. These funds must be appropriated for the exclusive purpose of providing victim services as required by Article 15, Chapter 3, of Title 16; specifically, those service requirements that are imposed on local law enforcement, local detention facilities, prosecutors, and the summary courts. First priority must be given to those victims' assistance programs which are required by Article 15, Chapter 3, of Title 16 and second priority must be given to programs which expand victims' services beyond those required by Article 15, Chapter 3, of Title 16. All unused funds must be carried forward from year to year and used exclusively for the provision of services for victims of crime. All unused funds must be separately identified in the governmental entity's adopted budget as funds unused and carried forward from previous years."

F. Section 14-1-208(C) and (D) of the 1976 Code is amended to read:

"(C) After deducting amounts provided pursuant to Section 14-1-210, the State Treasurer shall deposit the balance of the assessments received as follows:

(1) 14.04 percent for programs established pursuant to Chapter 21 of Title 24 and the Shock Incarceration Program as provided in Article 13, Chapter 13, of Title 24;

(2) 13.89 percent to the Law Enforcement Training Council for training in the fields of law enforcement and criminal justice;

(3) .36 percent to the Department of Public Safety to defray the cost of erecting and maintaining the South Carolina Law Enforcement Officers Hall of Fame. When funds collected pursuant to this item

exceed the necessary costs and expenses of the South Carolina Law Enforcement Officers Hall of Fame operation and maintenance as determined by the Department of Public Safety, the department may retain, carry forward, and expend the surplus for the purpose of defraying the costs of maintaining and operating the Hall of Fame;

(4) 10.38 percent for the State Office of Victim Assistance Office of the Attorney General, South Carolina Crime Victim Services Division, Department of Crime Victim Compensation, Victim Compensation Fund;

(5) 11.53 percent to the general fund;

(6) 10.56 percent to the Office of Indigent Defense for the defense of indigents;

(7) .89 percent to the Department of Mental Health to be used exclusively for the treatment and rehabilitation of drug addicts within the department's addiction center facilities;

(8) .54 percent to the Office of the Attorney General for a fund to provide support for counties involved in complex criminal litigation. For the purposes of this item, 'complex criminal litigation' means criminal cases in which the State is seeking the death penalty and has served notice as required by law upon the defendant's counsel and the county involved has expended more than one hundred thousand dollars for a particular case in direct support of operating the court of general sessions and for prosecution-related expenses. The Attorney General shall develop guidelines for determining what expenses are reimbursable from the fund and shall approve all disbursements from the fund. Funds must be paid to a county for all expenditures authorized for reimbursement under this item except for the first one hundred thousand dollars the county expended in satisfying the requirements for reimbursement from the fund; however, money disbursed from this fund must be disbursed on a 'first received, first paid' basis. When revenue in the fund reaches five hundred thousand dollars, all revenue in excess of five hundred thousand dollars must be credited to the general fund of the State. Unexpended revenue in the fund at the end of the fiscal year carries over and may be expended in the next fiscal year;

(9)(a) 9.16 percent to the Department of Public Safety for the programs established pursuant to Section 56-5-2953(E); and

(b) 1.31 percent to SLED for the programs established pursuant to Section 56-5-2953(E);

(10) 13.61 percent to the Governor's Task Force on Litter and in the expenditure of these funds, the provisions of Chapter 35, ~~of~~ Title 11 do not apply;

(11) 13.61 percent to the Department of Juvenile Justice. The Department of Juvenile Justice must apply the funds generated by this item to offset the nonstate share of allowable costs of operating juvenile detention centers so that per diem costs charged to local governments utilizing the juvenile detention centers do not exceed twenty-five dollars a day. Notwithstanding this provision of law, the director of the department may waive, reduce, defer, or reimburse the charges paid by local governments for juvenile detention placements. The department may apply the remainder of the funds generated by this item, if any, to operational or capital expenses associated with regional evaluation centers; and

(12) .12 percent to the Office of the State Treasurer to defray the administrative expenses associated with the collecting and distributing the revenue of these assessments.

(D) The revenue retained by the municipality under subsection (B) must be used for the provision of services for the victims of crime including those required by law. These funds must be appropriated for the exclusive purpose of providing victim services as required by Article 15, Chapter 3, ~~of~~ Title 16; specifically, those service requirements that are imposed on local law enforcement, local detention facilities, prosecutors, and the summary courts. First priority must be given to those victims' assistance programs which are required by Article 15, Chapter 3, ~~of~~ Title 16 and second priority must be given to programs which expand victims' services beyond those required by Article 15, Chapter 3, ~~of~~ Title 16. All unused funds must be carried forward from year to year and used exclusively for the provision of services for victims of crime. All unused funds must be separately identified in the governmental entity's adopted budget as funds unused and carried forward from previous years."

G. Section 14-1-210(A) of the 1976 Code is amended to read:

"Section 14-1-210. (A) Based upon a random selection process, the State Auditor shall periodically examine the books, accounts, receipts, disbursements, vouchers, and any records considered necessary of the county treasurers, municipal treasurers, county clerks of court, magistrates, and municipal courts to report whether or not the assessments, surcharges, fees, fines, forfeitures, escheatments, or other monetary penalties imposed or mandated, or both, by law in family court,

circuit court, magistrates court, and municipal court are properly collected and remitted to the State. In addition, these audits shall determine if the proper amount of funds have been reported, retained, and allocated for victim services in accordance with the law. These audits must be performed in accordance with standard auditing practices to include the right to respond to findings before the publishing of the audit report. The State Auditor shall submit a copy of the completed audit report to the chairmen of the House Ways and Means Committee, Senate Finance Committee, House Judiciary Committee, Senate Judiciary Committee, and the Governor. If the State Auditor finds that a jurisdiction has over remitted the state's portion of the funds collected by the jurisdiction or over reported or over retained crime victim funds, the State Auditor shall notify the State Treasurer to make the appropriate adjustment to that jurisdiction. If the State Auditor finds that a jurisdiction has under remitted, incorrectly reported, incorrectly retained, or incorrectly allocated the State or victim services portion of the funds collected by the jurisdiction, the State Auditor shall determine where the error was made. If the error is determined to have been made by the county or municipal treasurer's office, the State Auditor shall notify the State Office of Victim Assistance Office of the Attorney General, South Carolina Crime Victim Services Division, Department of Crime Victim Compensation for the crime victim portion and the chief administrator of the county or municipality of the findings and, if full payment has not been made by the county or municipality within ninety days of the audit notification, the State Treasurer shall adjust the jurisdiction's State Aid to Subdivisions Act funding in an amount equal to the amount determined by the State Auditor to be the state's portion; or equal to the amount incorrectly reported, retained, or allocated pursuant to Sections 14-1-206, 14-1-207, 14-1-208, and 14-1-211.

If an error is determined to have been made at the magistrate, municipal, family, or circuit courts, the State Auditor shall notify the responsible office, their supervising authority, and the chief justice of the State. If full payment has not been made by the court within ninety days of the audit notification, the chief magistrate or municipal court or clerk of court shall remit an amount equal to the amount determined by the State Auditor to be the state's portion or the crime victim fund portion within ninety days of the audit notification."

SECTION 5. A. Section 16-3-1110 of the 1976 Code is amended to read:

“Section 16-3-1110. (A) For the purpose of this article and Articles 14 and 15 of this chapter:

(1) ‘Board’ means the South Carolina Crime Victim’s Victim Advisory Board.

(2) ‘Claimant’ means any person filing a claim pursuant to this article.

(3) ‘Fund’ means the South Carolina Victim’s Victim Compensation Fund, which is a division of the Office of the Governor administered by the Office of the Attorney General, South Carolina Crime Victim Services Division.

(4) ‘Director’ means the Director of the Victim’s Compensation Fund Office of the Attorney General, South Carolina Crime Victim Services Division who is appointed by the Governor Attorney General. The director shall be in charge of the State Office of Victim’s Assistance which is part of this division under the supervision of the Governor.

(5) ‘Field representative’ means a field representative of the State Victim’s Compensation Fund Office of the Attorney General, South Carolina Crime Victim Services Division, Department of Crime Victim Compensation assigned to handle a claim.

(6) ‘Crime’ means an act which is defined as a crime by state, federal, or common law, including terrorism as defined in Section 2331 of Title 18, United States Code. Unless injury or death was recklessly or intentionally inflicted, ‘crime’ does not include an act involving the operation of a motor vehicle, boat, or aircraft.

(7) ‘Recklessly or intentionally’ inflicted injury or death includes, but is not limited to, injury or death resulting from an act which violates Sections 56-5-1210, 56-5-2910, 56-5-2920, or 56-5-2930 or from the use of a motor vehicle, boat, or aircraft to flee the scene of a crime in which the driver of the motor vehicle, boat, or aircraft knowingly participated.

(8) ‘Victim’ means a person who suffers direct or threatened physical, emotional, or financial harm as the result of an act by someone else, which is a crime. The term includes immediate family members of a homicide victim or of any other victim who is either incompetent or a minor and includes an intervenor. The term also includes a minor who is a witness to a domestic violence offense pursuant to Section 16-25-20 or Section 16-25-65.

(9) ‘Intervenor’ means a person other than a law enforcement officer performing normal duties, who goes to the aid of another, acting not recklessly, to prevent the commission of a crime or lawfully apprehend a person reasonably suspected of having committed a crime.

(10) 'Deputy director' means the Deputy Director of the Victim's Compensation Fund.

(11) 'Panel' means a three-member panel of the board designated by the board chairman to hear appeals.

(12)(a)(11) 'Restitution' means payment for all injuries, specific losses, and expenses sustained by a crime victim resulting from an offender's criminal conduct. It includes, but is not limited to:

(i)(a) medical and psychological counseling expenses;

(ii)(b) specific damages and economic losses;

(iii)(c) funeral expenses and related costs;

(iv)(d) vehicle impoundment fees;

(v)(e) child care costs; and

(vi)(f) transportation related to a victim's participation in the criminal justice process.

(B) Restitution does not include awards for pain and suffering, wrongful death, emotional distress, or loss of consortium.

Restitution orders do not limit any civil claims a crime victim may file.

(C) Notwithstanding any other provision of law, the applicable statute of limitations for a crime victim, who has a cause of action against an incarcerated offender based upon the incident which made the person a victim, is tolled and does not expire until three years after the offender's release from the sentence including probation and parole time or three years after release from commitment pursuant to Chapter 48 of Title 44, whichever is later. However, this provision shall not shorten any other tolling period of the statute of limitations which may exist for the crime victim."

B. Section 16-3-1120 of the 1976 Code is amended to read:

"Section 16-3-1120. (A) A director of the ~~Victim's Compensation Fund~~ South Carolina Crime Victim Services Division must be appointed by the ~~Governor~~ Attorney General and shall serve at his pleasure. The director is responsible for administering the provisions of this article. Included among the duties of the director is the responsibility, with approval of the South Carolina Crime ~~Victim's~~ Victim Advisory Board as established in this article, for developing and administering a plan for informing the public of the availability of the benefits provided under this article and procedures for filing claims for the benefits.

(B) The director, upon approval by the South Carolina Crime ~~Victim's~~ Victim Advisory Board, has the following additional powers and duties:

(1) to appoint a deputy director of the Victim's Compensation Fund Department of Crime Victim Compensation, and staff necessary for the operation thereof of the department, and to contract for services. The director shall recommend the salary for the deputy director and other staff members, as allowed by statute or applicable law;

(2) ~~the board shall promulgate regulations to carry out the provisions and purposes of this article and Article 14 of this chapter. Regulations pertaining to this article and Article 14 of this chapter in effect on July 1, 1993, shall remain in full force and effect until otherwise amended as provided by law;~~

(3) to request from the Attorney General, South Carolina Law Enforcement Division, solicitors, magistrates, judges, county and municipal police departments, and any other agency or department such assistance and data as will enable the director to determine whether, and the extent to which, a claimant qualifies for awards. Any person, agency, or department listed above is authorized to provide the director with the information requested upon receipt of a request from the director. Any provision of law providing for confidentiality of juvenile records does not apply to a request of the deputy director, the director, the board, or a panel of the board pursuant to this section;

(4)(3) to ~~reinvestigate or~~ reopen previously decided award cases as the director or deputy director considers necessary;

(5)(4) to require the submission of medical records as are needed by the board, a panel of the board, or deputy director or his staff and, when necessary, to direct medical examination of the victim;

(6)(5) to take or cause to be taken affidavits or depositions within or without the State. This power may be delegated to the deputy director or the board or its panel;

(7)(6) to render each year to the Governor and to the General Assembly a written report of the activities of the Victim's Compensation Fund Department of Crime Victim Compensation and the Victim Compensation Fund pursuant to this article;

(8)(7) to delegate the authority to the deputy director to reject incomplete claims for awards or assistance;

(9)(8) to render awards to victims of crime or to those other persons entitled to receive awards in the manner authorized by this article. The power may be delegated to the deputy director;

(10)(9) to apply for funds from, and to submit all necessary forms to, any federal agency participating in a cooperative program to compensate victims of crime;

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(11)(10) to delegate to the board or a panel of the board on appeal matters any power of the director or deputy director.”

C. Section 16-3-1140 of the 1976 Code is amended to read:

“Section 16-3-1140. (1)(A) The claimant may, within thirty days after receipt of the report of the decision of the ~~Deputy Director~~ ~~deputy director~~, make an application in writing to the ~~Deputy Director~~ ~~deputy director~~ for review of the decision.

(2)(B) Upon receipt of an application for review pursuant to subsection ~~(1)~~ ~~of this section~~ (A), the ~~Deputy Director~~ ~~deputy director~~ shall forward all relevant documents and information to the Chairman of the Crime ~~Victim~~’s Victim Advisory Board. The ~~Chairman~~ chairman shall appoint a three-member panel of the Board which shall review the records and affirm or modify the decision of the ~~Deputy Director~~ ~~deputy director~~; provided, that the ~~Chairman~~ chairman may order, in his discretion, that any particular case must be heard by the full ~~Board~~ board. If considered necessary by the ~~Board~~ board or its panel or if requested by the claimant, the ~~Board~~ board or its panel shall order a hearing prior to rendering a decision. At the hearing any relevant evidence, not legally privileged, is admissible. The ~~Board~~ board or its panel shall render a decision within ninety days after completion of the investigation. The action of the ~~Board~~ board or its panel is final and nonappealable. If the ~~Deputy Director~~ ~~deputy director~~ receives no application for review pursuant to subsection ~~(1)(A)~~, his decision becomes the final decision of the ~~Victim’s Compensation Fund~~ Department of Crime Victim Compensation.

(3)(C) The ~~Board~~ board or its panel, for purposes of this article, may subpoena witnesses, administer or cause to be administered oaths, and examine such parts of the books and records of the parties to proceedings as relate to questions in dispute.

(4)(D) The ~~Deputy Director~~ ~~deputy director~~ shall within ten days after receipt of the ~~Board’s~~ board’s or panel’s final decision make a report to the claimant including a copy of the final decision and the reasons why the decision was made.”

D. Section 16-3-1150 of the 1976 Code is amended to read:

“Section 16-3-1150. Notwithstanding the provisions of Section 16-3-1130, if it appears to the deputy director that the claim is one with respect to which an award probably will be made and undue hardship will result to the claimant, if immediate payment is not made, the deputy director may make one or more emergency awards to the claimant pending a final decision in the case, provided that:

(a)(1) the amount of each emergency award shall not exceed five hundred dollars; ;

(b)(2) the total amount of such emergency awards shall not exceed one thousand dollars; ;

(c)(3) the amount of such emergency awards must be deducted from any final award made to the claimant; ; and

(d)(4) the excess of the amount of any emergency award over the amount of the final award, or the full amount of any emergency award if no final award is made, must be repaid by the claimant to the Victim's Victim Compensation Fund as created by this article.”

E. Section 16-3-1160 of the 1976 Code is amended to read:

“Section 16-3-1160. (A) There is created a board to be known as the South Carolina Crime Victim's Victim Advisory Board to consist of eleven members to be appointed by the Governor Attorney General. Of the original seven members, at least two of the members shall have been admitted to practice law in this State for not less than five years next preceding their appointment, one member shall be a physician licensed to practice medicine under the laws of this State, and one member shall have at least four years' administrative experience in a court-related Victim's Assistance Fund, provided that such a qualified person is available. Of the four additional members, one must be a law enforcement officer with at least five years' administrative experience, one shall have at least five years' experience in directing sexual assault prevention or treatment services, one shall have at least five years' experience in providing services for domestic violence victims, and one shall have been a victim of crime.

(B) The term of office of each appointed member is five years and until his successor is appointed and qualified. Of those seven members first appointed, two shall serve for a term of one year, two for a term of two years, one for a term of three years, one for a term of four years, and one for a term of five years, with the initial terms to be designated by the Governor Attorney General when making the initial appointments. The initial terms of four additional members to be appointed as provided herein in this section are for two, three, four, and five years, respectively, the initial term of each member to be designated by the Governor Attorney General when making the appointment. The Governor Attorney General shall select a chairman. The board may elect a secretary and other officers as deemed necessary.

(C) Any vacancy must be filled for the remainder of the unexpired term by appointment in the same manner of the initial appointments. On

June 30, 2017, the terms of the members of the board currently serving shall terminate, and members serving on that date, or subsequently appointed by the Attorney General, are eligible for reappointment at the discretion of the Attorney General.

The board shall meet at least twice each year and must be subject to the call of the ~~chairman~~ chairperson, to consider improvements in and monitor the effectiveness of the ~~Victim's~~ Victim Compensation Fund, and to review and comment on the budget and approve the regulations pertaining to the ~~Victim's~~ Victim Compensation Fund ~~of this article~~ and the Victim/Witness Assistance Program of Article 14 ~~of this chapter~~. The members of the board shall receive the same subsistence, mileage, and per diem as is provided by law for members of state boards, committees, and commissions, to be paid from the ~~Victim's~~ Victim Compensation Fund as created by this article.”

F. Section 16-3-1170 of the 1976 Code is amended to read:

“Section 16-3-1170. (A) No award may be made unless:

- (1) a crime was committed;
- (2) the crime directly resulted in physical or psychic trauma to the victim;
- (3) the crime was promptly reported to the proper authority and recorded in police records; and
- (4) the claimant or other award recipient has fully cooperated with all law enforcement agencies and with the ~~South Carolina~~ Victim's Compensation Fund Office of the Attorney General, South Carolina Crime Victim Services Division, Department of Crime Victim Compensation.

(B) For the purposes of ~~item (3)~~ of subsection (A)(3), a crime reported more than forty-eight hours after its occurrence is not ‘promptly reported’, absent a showing of special circumstances or causes which justify the delay.”

G. Section 16-3-1180(C) and (E) of the 1976 Code is amended to read:

“(C) The aggregate of award to and on behalf of victims may not exceed fifteen thousand dollars unless the Crime ~~Victim's~~ Victim Advisory Board, by two-thirds vote, and the director concur that extraordinary circumstances exist. In this case, the award may not exceed twenty-five thousand dollars.”

“(E) A previously decided award may be reopened for the purpose of increasing the compensation previously awarded, subject to the maximum provided in this article. In this case the ~~State~~ Office of ~~Victim Assistance~~ Office of the Attorney General, South Carolina Crime Victim

Services Division, Department of Crime Victim Compensation shall send immediately to the claimant a copy of the notice changing the award. This review may not affect the award as regards any monies paid, and the review may not be made after eighteen months from the date of the last payment of compensation pursuant to an award under this article unless the director or deputy director determines there is a need to reopen the case as specified in Section ~~16-3-1120(4)~~ 16-3-1120(B)(3)."

H. Section 16-3-1220 of the 1976 Code is amended to read:

"Section 16-3-1220. A person listed in Section 16-3-1210~~(1)~~ is not eligible to recover under this article if the person:

(1) committed or aided in the commission of the crime upon which the claim is based or engaged in other unlawful activity which contributed to or aggravated the resulting injury;

(2) is the surviving parent, spouse, or dependent of a deceased victim who would have been barred by subsection (1) had he survived;

(3) is a dependent of the offender who committed the crime upon which the claim is based, and the offender would be a principal beneficiary of the award."

I. Section 16-3-1230 of the 1976 Code is amended to read:

"Section 16-3-1230. ~~(1)~~(A) A claim may be filed by a person eligible to receive an award, as provided in Section 16-3-1210, or, if the person is an incompetent or a minor, by his parent or legal guardian or other individual authorized to administer his affairs.

(2)~~(B)~~ A claim must be filed by the claimant not later than one hundred eighty days after the latest of the following events:

~~(a)~~(1) the occurrence of the crime upon which the claim is based;

~~(b)~~(2) the death of the victim;

~~(c)~~(3) the discovery by the law enforcement agency that the occurrence was the result of crime; or

~~(d)~~(4) the manifestation of a mental or physical injury is diagnosed as a result of a crime committed against a minor.

~~(3)~~(C) Upon good cause shown, the time for filing may be extended for a period not to exceed four years after the occurrence, diagnosed manifestation, or death. 'Good cause' for the above purposes includes reliance upon advice of an official victim assistance specialist who either misinformed or neglected to inform a victim of rights and benefits of the Victim's Victim Compensation Fund but does not mean simply ignorance of the law.

~~(4)~~(D) Claims must be filed in the ~~office of the director~~ Department of Crime Victim Compensation with input from the board by

conventional mail, facsimile, in person, or through another electronic submission mechanism approved by the director. The director shall accept for filing all claims submitted by persons eligible pursuant to subsection (4)(A) and meeting the requirements as to the form of the claim contained in the ~~regulations of the board~~ form developed by the Office of the Attorney General, South Carolina Crime Victim Services Division, Department of Crime Victim Compensation.”

J. Section 16-3-1240 of the 1976 Code is amended to read:

“Section 16-3-1240. It is unlawful, except for purposes directly connected with the administration of the ~~victim's compensation program fund~~, for any person to solicit, disclose, receive, or make use of or authorize, knowingly permit, participate in or acquiesce in the use of any list, or names of, or information concerning persons applying for or receiving awards ~~hereunder~~ pursuant to the provisions of this article without the written consent of the applicant or recipient. The records, papers, files, and communications of the ~~Board~~ board, its panel, and the ~~Director~~ director and his staff must be regarded as confidential information and privileged and not subject to disclosure under the Freedom of Information Act as contained in Chapter 3, ~~ef~~ Title 30.”

K. Section 16-3-1260 of the 1976 Code is amended to read:

“Section 16-3-1260. (4)(A) A payment of benefits to, or on behalf of, a victim or intervenor, or eligible family member under this article creates a debt due and owing to the State by a person as determined by a court of competent jurisdiction of this State, who has committed the criminal act.

(2)(B) The Circuit Court, when placing on probation a person who owes a debt to the State as a consequence of a criminal act, may set as a condition of probation the payment of the debt or a portion of the debt to the State. The court also may set the schedule or amounts of payments subject to modification based on change of circumstances.

(3)(C) The Department of Probation, Parole, and Pardon Services shall also have the right to make payment of the debt or a portion of the debt to the State a condition of parole or community supervision.

(4)(D) When a juvenile is adjudicated delinquent in a Family Court proceeding involving a crime upon which a claim under this article can be made, the Family Court, in its discretion, may order that the juvenile pay the debt to the ~~State Office of Victim Assistance~~ Office of the Attorney General, South Carolina Crime Victim Services Division, Department of Crime Victim Compensation, as created by this article, as an adult would have to pay had an adult committed the crime. Any

assessments ordered may be made a condition of probation as provided in Section 63-19-1410.

(5)(E) Payments authorized or required under this section must be paid to the ~~State Office of Victim Assistance~~ ~~Office of the Attorney General, South Carolina Crime Victim Services Division~~. The Director of the ~~State Office of Victim Assistance~~ ~~Office of the Attorney General, South Carolina Crime Victim Services Division, together with the~~ ~~deputy director of the Department of Crime Victim Compensation~~, shall coordinate the development of policies and procedures for the South Carolina Department of Corrections, the Department of Juvenile Justice, the South Carolina Office of Court Administration, the Department of Probation, Parole, and Pardon Services, and the South Carolina Board of Probation, Parole, and Pardon Services to assure that victim restitution programs are administered in an effective manner to increase payments into the ~~State Office of Victim Assistance~~ fund.

(6)(F) Restitution payments to the ~~State Office of Victim Assistance~~ ~~Office of the Attorney General, South Carolina Crime Victim Services Division, Department of Crime Victim Compensation, Victim Compensation Fund~~ may be made by the Department of Corrections from wages accumulated by offenders in its custody who are subject to this article, except that offenders' wages must not be used for this purpose if monthly wages are at or below minimums required to purchase basic necessities."

L. Section 16-3-1290 of the 1976 Code is amended to read:

"Section 16-3-1290. (1)(A) There is hereby created a special fund to be known as the ~~Victim's~~ Victim Compensation Fund for the purpose of providing for the payment of all necessary and proper expenses incurred by the operation of the ~~Victim's Compensation Fund~~ fund and the payment of claims. The State Treasurer is the custodian of the fund and all monies in the fund are held by the State Treasurer.

(2)(B) The funds placed in the ~~Victim's~~ Victim Compensation Fund shall consist of all money appropriated by the General Assembly, if any, for the purpose of compensating claimants under this article and money recovered on behalf of the State pursuant to this article by subrogation or other action, recovered by court order, received from the federal government, received from additional court costs, received from assessments or fines, or received from any other public or private source, pursuant to this article.

(3)(C) All administrative costs of this article, except the ~~Director's~~ director's salary, must be paid out of money collected pursuant to this

article which has been deposited in the Victim's Compensation Fund
fund.

(4)(D) Interest earned on all monies held in the Victim's Compensation Fund
fund shall be remitted to the general fund of the State."

M. Section 16-3-1330 of the 1976 Code is amended to read:

"Section 16-3-1330. (A) When the director determines that projected revenue in any fiscal year will be insufficient to pay projected claims or awards in the amounts provided ~~herein~~ pursuant to the provisions of this article, he shall reduce the amount of all claims or awards by an amount equal to the ratio of projected revenue to the total projected claims or awards cost. When these reductions are required, the director shall inform the public through the media of the reductions as promptly as possible. The reductions apply to all claims or awards not paid as of the effective date of the reductions order.

(B) Any award ~~hereunder~~ is specifically not a claim against the State if it cannot be paid due to a lack of funds in the Victim's Compensation Fund."

N. Section 16-3-1340 of the 1976 Code is amended to read:

"Section 16-3-1340. (A) A claimant may be represented by an attorney in proceedings under this article. ~~Fees for such attorney~~
Attorneys' fees must be paid from the Victim's Compensation Fund, subject to the approval of the ~~Director~~ director, except that in the event of an appeal pursuant to Section 16-3-1140, attorneys' fees are subject to the approval of the ~~Board~~ board or its panel hearing the appeal. ~~Attorneys for the South Carolina State Accident Fund within the Office of the Attorney General~~ shall represent the ~~South Carolina~~ Victim's Compensation Fund Department of Crime Victim Compensation in proceedings under this article.

(B) Any person who receives any fee or other consideration or any gratuity on account of services so rendered, unless ~~such~~ the consideration or gratuity is approved by the ~~Deputy Director~~ deputy director, or who makes it a business to solicit employment for a lawyer or for himself in respect to any claim or award for compensation is guilty of a misdemeanor and, upon conviction must for each offense, be punished by a fine of not more than five hundred dollars or by imprisonment not ~~to exceed~~ more than one year, or ~~by~~ both ~~such fine and imprisonment~~."

O. Section 16-3-1350 of the 1976 Code is amended to read:

"Section 16-3-1350. (A) The State must ensure that a victim of criminal sexual conduct in any degree, criminal sexual conduct with a

minor in any degree, or child sexual abuse must not bear the cost of his or her routine medicolegal exam following the assault.

(B) These exams must be standardized relevant to medical treatment and to gathering evidence from the body of the victim and must be based on and meet minimum standards for rape exam protocol as developed by the South Carolina Law Enforcement Division, the South Carolina Hospital Association, and the ~~Governor's Office Division of Victim Assistance~~ Office of the Attorney General, South Carolina Crime Victim Services Division with production costs to be paid from funds appropriated for the ~~Victim's~~ Victim Compensation Fund. These exams must include treatment for sexually transmitted diseases, and must include medication for pregnancy prevention if indicated and if desired. The South Carolina Law Enforcement Division must distribute these exam kits to any licensed health care facility providing sexual assault exams. When dealing with a victim of criminal sexual assault, the law enforcement agency immediately must transport the victim to the nearest licensed health care facility which performs sexual assault exams. A health care facility providing sexual assault exams must use the standardized protocol described in this subsection.

(C) A licensed health care facility, upon completion of a routine sexual assault exam as described in subsection (B) performed on a victim of criminal sexual conduct in any degree, criminal sexual conduct with a minor in any degree, or child sexual abuse, may file a claim for reimbursement directly to the ~~South Carolina Crime Victim's Compensation Fund~~ Office of the Attorney General, South Carolina Crime Victim Services Division, Department of Crime Victim Compensation if the offense occurred in South Carolina. The ~~South Carolina Crime Victim's Compensation Fund~~ department must develop procedures for health care facilities to follow when filing a claim with respect to the privacy of the victim. Health care facility personnel must obtain information necessary for the claim at the time of the exam, if possible. The ~~South Carolina Crime Victim's Compensation Fund~~ department must reimburse eligible health care facilities directly from the fund.

(D) The ~~Governor's Office Division of Victim Assistance~~ Office of the Attorney General, South Carolina Crime Victim Services Division, Department of Crime Victim Compensation must utilize existing funds appropriated from the general fund for the purpose of compensating licensed health care facilities for the cost of routine medical exams for sexual assault victims as described above. When the director determines

that projected reimbursements in a fiscal year provided in this section exceed funds appropriated for payment of these reimbursements, he must direct the payment of the additional services from the Victim's Compensation Fund fund. For the purpose of this particular exam, the one hundred dollar deductible is waived for award eligibility under the fund. The South Carolina Victim's Compensation Fund department must develop appropriate guidelines and procedures and distribute them to law enforcement agencies and appropriate health care facilities."

SECTION 6. Article 14, Chapter 3, Title 16 of the 1976 Code is amended to read:

Article 14

Victim Assistance Program

Crime Victim Services Training, Provider Certification, and Statistical Analysis

Section 16-3-1410. (A) The Department of Crime Victim Services Training, Provider Certification, and Statistical Analysis is created within the Office of the Attorney General, South Carolina Crime Victim Services Division. The Director of the Crime Victim Services Division shall appoint a deputy director of the department.

(B) The Department of Crime Victim Services Training, Provider Certification, and Statistical Analysis shall:

- (1) provide oversight of training, education, and certification of victim assistance programs;
- (2) in cooperation with the Victim Services Coordinating Council, promulgate training standards and requirements;
- (3) approve training curricula for credit hours toward certification;
- (4) provide victim service provider certification;
- (5) maintain records of certified victim service providers; and
- (6) collect and analyze statistical data gathered from providers; grant providers; grant recipients; all victim services funding streams; and local, state, and federal crime data and publish analysis, needs assessments, and reports.

(C) Public crime victim assistance programs shall ensure that all victim service providers employed in their respective offices are certified through the department.

(1) Private, nonprofit programs shall ensure that all crime victim service providers in these nonprofit programs are certified by a Victim Services Coordinating Council-approved certification program. Victim Services Coordinating Council approval must include review of the

program to ensure that requirements are commensurate with the certification requirements for public victim assistance service providers.

(2) Crime victim service providers, serving in public or private nonprofit programs and employed on the effective date of this article, are exempt from basic certification requirements but must meet annual continuing education requirements to maintain certification. Crime victim service providers, serving in public or private nonprofit programs and employed after the effective date of this article, are required to complete the basic certification requirements within one year from the date of employment and to meet annual continuing education requirements to maintain certification throughout their employment.

(3) The mandatory minimum certification requirements, as promulgated by the deputy director, may not exceed fifteen hours, and the mandatory minimum requirements for continuing advocacy education, as promulgated by the deputy director, may not exceed twelve hours.

(4) Nothing in this section shall prevent an entity from requiring, or an individual from seeking, additional certification credits beyond the basic required hours.

Section 16-3-400 16-3-1420. For purposes of this article:

(1) 'Victim service provider' means a person:

(a) who is employed by a local government or state agency and whose job duties involve providing victim assistance as mandated by South Carolina law; or

(b) whose job duties involve providing direct services to victims and who is employed by an organization that is incorporated in South Carolina, holds a certificate of authority in South Carolina, or is registered as a charitable organization in South Carolina, and the organization's mission is victim assistance or advocacy and the organization is privately funded or receives funds from federal, state, or local governments to provide services to victims.

'Victim service provider' does not include a municipal court judge, magistrates court judge, circuit court judge, special circuit court judge, or family court judge.

(2) 'Witness' means a person who has been or is expected to be summoned to testify for the prosecution or who by reason of having relevant information is subject to call or likely to be called as a witness for the prosecution, whether or not an action or proceeding is commenced.

Section 46-3-1410 16-3-1430. (A) The Victim Compensation Fund Department of Crime Victim Services Training, Provider Certification, and Statistical Analysis, in collaboration with the Department of Crime Victim Compensation, is authorized to provide the following victim assistance services, contingent upon the availability of funds in the Victim Compensation Fund:

- (1) provide information, training, and technical assistance to state and local agencies and groups involved in victim and domestic violence assistance, such as the Attorney General's Office, the solicitors' offices, law enforcement agencies, judges, hospital staff, rape crisis centers, and spouse abuse shelters;
- (2) provide recommendations to the Governor and General Assembly on needed legislation and services for victims;
- (3) serve as a clearinghouse of victim information;
- (4) develop ongoing public awareness and programs to assist victims, such as newsletters, brochures, television and radio spots and programs, and news articles;
- (5) provide staff support for a Victim Services Coordinating Council representative of all agencies and groups involved in victim and domestic violence services to improve coordination efforts, suggest policy and procedural improvements to those agencies and groups as needed, and recommend needed statutory changes to the General Assembly; and
- (6) coordinate the development and implementation of policy and guidelines for the treatment of victims with appropriate agencies.

(B) The Victim Services Coordinating Council shall consist of the following twenty-two members:

- (1) the director of the State Office of Victim Assistance Office of the Attorney General, South Carolina Crime Victim Services Division, or his designee, who shall serve as chairperson;
- (2) the director of the South Carolina Department of Probation, Parole and Pardon Services, or his designee;
- (3) the director of the South Carolina Department of Corrections, or his designee;
- (4) the director of the South Carolina Department of Juvenile Justice, or his designee;
- (5) the director of the South Carolina Commission on Prosecution Coordination, or his designee;
- (6) the Governor's Crime Victims' Ombudsman, or his designee deputy directors of the three departments and the Ombudsman under the

Office of the Attorney General, South Carolina Crime Victim Services Division;

(7) the director of the South Carolina Sheriffs' Association, or his designee;

(8) the president of the South Carolina Police Chiefs Association, or his designee;

(9) the president of the South Carolina Jail Administrators' Association, or his designee;

(10) the president of the Solicitors' Advocate Forum, or his designee;

(11) the president of the Law Enforcement Victim Advocate Association, or his designee;

(12) the director of the South Carolina Coalition Against Domestic Violence and Sexual Assault, or his designee;

(13) the Attorney General, or his designee;

~~(14) the administrator of the Office of Justice Programs, Department of Public Safety, or his designee;~~

~~(15) four three~~ representatives appointed by the State Office of Victim Assistance for a term of two years and until their successors are appointed and qualified for each of the following categories:

(a) one representative of university or campus services;

~~(b) one representative of a statewide crime victim organization;~~

~~(c) one representative of a statewide child advocacy organization; and~~

~~(d) one crime victim; and~~

~~(16) (15) four three~~ at-large seats elected upon two-thirds vote of the other eighteen members of the Victim Services Coordinating Council for a term of two years and until their successors are appointed and qualified, at least one of whom must be a crime victim and two of which must be representatives of community-based nongovernmental organizations.

The Victim Services Coordinating Council shall solicit input on issues affecting relevant stakeholders when those stakeholders are not explicitly represented. The Victim Services Coordinating Council shall meet at least four times per year.

~~Section 16-3-1420. The director of the State Victim Assistance Program is the director of the South Carolina State Office of Victim Assistance."~~

SECTION 7. Article 16, Chapter 3, Title 16 of the 1976 Code is amended to read:

Article 16

Crime Victims' Victim Ombudsman of the Office of the Governor

Section 16-3-1610. As used in this article:

(1) 'Criminal and juvenile justice system' means circuit solicitors and members of their staffs; the Attorney General and his staff; law enforcement agencies and officers; adult and juvenile probation, parole, and correctional agencies and officers; officials responsible for victims' compensation and other services which benefit victims of crime, and state, county, and municipal victim advocacy and victim assistance personnel.

(2) 'Victim assistance program' means an entity, whether governmental, corporate, nonprofit, partnership, or individual, which provides, is required by law to provide, or claims to provide services or assistance, or both to victims on an ongoing basis.

(3) 'Victim' means a person who suffers direct or threatened physical, emotional, or financial harm as the result of an act by someone else, which is a crime. The term includes immediate family members of a homicide victim or of any other victim who is either incompetent or a minor and includes an intervenor.

Section 16-3-1620. (A) The Department of Crime Victims' Victim Ombudsman Office is created in the Department of Administration Office of the Attorney General, South Carolina Crime Victim Services Division. The Crime Victims' Victim Ombudsman is appointed by the Governor with the advice and consent of the Senate and serves at the pleasure of the Governor Director of the Crime Victim Services Division.

(B) The Crime Victims' Victim Ombudsman of the Department of Administration shall:

(1) refer crime victims to the appropriate element of the criminal and juvenile justice systems or victim assistance programs, or both, when services are requested by crime victims or are necessary as determined by the ombudsman;

(2) act as a liaison between elements of the criminal and juvenile justice systems, victim assistance programs, and crime victims when the need for liaison services is recognized by the ombudsman; and

(3) review and attempt to resolve complaints against elements of the criminal and juvenile justice systems or victim assistance programs, or both, made to the ombudsman by victims of criminal activity within the state's jurisdiction.

(C) There is created within the Crime Victims' Ombudsman Office of the Department of Administration, the Office of Victim Services Education and Certification which shall:

(1) provide oversight of training, education, and certification of victim assistance programs;

(2) with approval of the Victim Services Coordinating Council, promulgate training standards and requirements;

(3) approve training curricula for credit hours toward certification;

(4) provide victim service provider certification; and

(5) maintain records of certified victim service providers.

(D) Public victim assistance programs shall ensure that all victim service providers employed in their respective offices are certified through the Office of Victim Services Education and Certification within the Office of the Crime Victims' Ombudsman.

(1) Private, nonprofit programs shall ensure that all victim service providers in these nonprofit programs are certified by a Victim Services Coordinating Council approved certification program. Victim Services Coordinating Council approval must include review of the program to ensure that requirements are commensurate with the certification requirements for public victim assistance service providers.

(2) Victim service providers, serving in public or private nonprofit programs, employed on the effective date of this chapter are exempt from basic certification requirements but shall meet annual continuing education requirements to maintain certification. Victim service providers, serving in public or private nonprofit programs, employed after the effective date of this chapter are required to complete the basic certification requirements within one year from the date of employment and to meet annual continuing education requirements to maintain certification throughout their employment.

(3) The mandatory minimum certification requirements, as promulgated by the Crime Victims' Ombudsman, may not exceed fifteen hours, and the mandatory minimum requirements for continuing advocacy education, as promulgated by the Crime Victims' Ombudsman, may not exceed twelve hours.

(4) Nothing in this section shall prevent an entity from requiring or an individual from seeking additional certification credits beyond the basic required hours.

Section 16-3-1630. Upon receipt of a written complaint that contains specific allegations and is signed by a victim of criminal activity within the state's jurisdiction, the ombudsman shall forward copies of the

complaint to the person, program, and agency against whom it makes allegations, and conduct an inquiry into the allegations stated in the complaint.

In carrying out the inquiry, the ombudsman is authorized to request and receive information and documents from the complainant, elements of the criminal and juvenile justice systems, and victim assistance programs that are pertinent to the inquiry. Following each inquiry, the ombudsman shall issue a report verbally or in writing to the complainant and the persons or agencies that are the object of the complaint and recommendations that in the ombudsman's opinion will assist all parties. The persons or agencies that are the subject of the complaint shall respond, within a reasonable time, to the ombudsman regarding actions taken, if any, as a result of the ombudsman's report and recommendations.

The ombudsman shall prepare a public annual report, not identifying individual agencies or individuals, summarizing his activity. The annual report must be submitted directly to the Governor, General Assembly, elements of the criminal and juvenile justice systems, and victim assistance programs.

Section 16-3-1640. Information and files requested and received by the ombudsman are confidential and retain their confidential status at all times. Juvenile records obtained under this section may be released only in accordance with provisions of the Children's Code.

Section 16-3-1650. All elements of the criminal and juvenile justice systems and victim assistance programs shall cooperate with the ombudsman in carrying out the duties described in Sections 16-3-1620 and 16-3-1630.

Section 16-3-1660. A victim's exercise of rights granted by this article is not grounds for dismissing a criminal proceeding or setting aside a conviction or sentence.

Section 16-3-1670. This article does not create a cause of action on behalf of a person against an element of the criminal and juvenile justice systems, victim assistance programs, the State, or any agency or person responsible for the enforcement of rights and provision of services set forth in this chapter.

Section 16-3-1680. The Department of Crime Victims' Victim Ombudsman Office through the Department of Administration Crime Victim Services Division may promulgate recommend to the Attorney General those regulations necessary to assist it in performing its required duties as provided by this chapter.

Section 16-3-1690. Complaints regarding any allegations against the Office of the Attorney General, Crime Victim Services Division or any of its affiliated departments concerning crime victim services should be submitted in writing to the Crime Victim Ombudsman, who shall cause a rotating three-person panel of the Crime Victim Services Coordinating Council chosen by him to record, review, and respond to the allegations. Appeal of the three-person panel's response or any decision made by the panel regarding the allegations will be heard by the State Inspector General under the authority provided by the provisions of Chapter 6, Title 1. The State Inspector General shall provide the procedures for this appeal process, including, but not limited to, a written finding at the end of the appeal process, which must be provided to the complainant and to the Attorney General and the director of the Crime Victim Services Division."

SECTION 8. A. Chapter 3, Title 16 of the 1976 Code is amended by adding:

Article 12

Crime Victim Assistance Grants

Section 16-3-1095. (A) The Department of Crime Victim Assistance Grants is created within the Office of the Attorney General, South Carolina Crime Victim Services Division to administer the Victims of Crime Act grants, the Violence Against Women Act grants, and the State Victim's Assistance Program grants. The Director of the Crime Victim Services Division shall appoint a deputy director of the department.

(B) The deputy director shall establish a process to solicit and administer the disbursement of funds for Victims of Crime Act grants, the Violence Against Women Act grants, and the State Victim's Assistance Program grants available under Public Law 98-473 establishing the Victims of Crime Act of 1984, and the Violence Against Women Act (VAWA-I) established under Title IV of the Violent Crime Control and Law Enforcement Act of 1994, Public Law No. 103-322, 108 Stat. 1796 (September 13, 1994), and administer all other crime victim service funding as provided by law, including, but not limited to, the authority to solicit for federal formula or discretionary grant awards and foundation funding."

B. Section 23-6-500 of the 1976 Code is amended to read:

"Section 23-6-500. There is created a council to administer certain responsibilities of the Department of Public Safety and coordinate certain activities between the department, the Office of the Attorney General, the South Carolina Law Enforcement Division and municipal

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and county law enforcement agencies. The council is to be known as the South Carolina Public Safety Coordinating Council.”

C. Section 23-6-510 of the 1976 Code is amended to read:

“Section 23-6-510. (A) The council is composed of the following persons for terms as indicated:

(1) the Governor or his designee, to serve as chairman, for the term of the Governor;

(2) the Chief of the South Carolina Law Enforcement Division for the term of office for which he is appointed;

(3) the Chairman of the Senate Judiciary Committee for his term of office in the Senate or his designee;

(4) the Chairman of the House of Representatives Judiciary Committee for his term of office in the House of Representatives or his designee;

(5) the Director of the Department of Public Safety;

(6) a sheriff appointed by the Governor for the term of office for which he is elected;

(7) the Attorney General or his designee;

(8) a municipal police chief appointed by the Governor for a term of two years; and

(8)(9) a victim representative appointed by the Governor for a term of four years; and

(10) a victim with a documented history of victimization appointed by the Attorney General for a term of four years.

(B) Any vacancy occurring must be filled in the manner of the original appointment for the unexpired portion of the term.”

D. Section 23-6-520 of the 1976 Code is amended to read:

“Section 23-6-520. The council has the following duties to:

(1) recommend a hiring and promotion policy for commissioned personnel or officers to be administered under the sole authority of the director;

(2) establish a process for the solicitation of applications for public safety grants and to review and approve the disbursement of funds available under Section 402 of Chapter 4 of Title 1 of the Federal Highway Safety Program, public law 89-564 in a fair and equitable manner;

(3) coordinate the use of department personnel by other state or local agencies or political subdivisions;

(4) advise and consult on questions of jurisdiction and law enforcement and public safety activities between the Department of

Public Safety, the South Carolina Law Enforcement Division and law enforcement agencies of local political subdivisions; and

(5) in collaboration with the Office of the Attorney General, South Carolina Crime Victim Services Division, Department of Crime Victim Assistance Grants establish a process to solicit and administer the disbursement of funds for Victims of Crime Act grants, the Violence Against Women Act grants, the State Victim's Assistance Program grants available under Public Law 98-473 establishing the Victims of Crime Act of 1984 and the Violence Against Women Act (VAWA-I) established under Title IV of the Violent Crime Control and Law Enforcement Act of 1994, Public Law No. 103-322, 108 Stat. 1796 (September 13, 1994), and all other crime victim service funding as provided by law, including, but not limited to, the authority to solicit for federal formula or discretionary grant awards and foundation funding.”

SECTION 9. Section 16-15-445(C) of the 1976 Code is amended to read:

“(C) Subject to the limitations of subsection (B), property forfeited pursuant to court order must be destroyed by the arresting law enforcement agency, unless that law enforcement agency can show good cause for retaining the property. Ownership of property so retained vests in the arresting law enforcement agency which may use the property in the performance of its duties, destroy it, or sell it at public auction. Retained property may be sold at public auction after giving notice, in a newspaper of general circulation in the county, of the date, time, and place of the auction and a description of the property to be auctioned. After payment of the expenses of the auction, one-half of the net proceeds may be retained by the arresting law enforcement agency, and one-half must be remitted to the State Treasurer for deposit to the credit of the Victim's Office of the Attorney General, South Carolina Crime Victim Services Division, Department of Crime Victim Compensation, Victim Compensation Fund.”

SECTION 10. Section 24-3-40(A)(2)(b) of the 1976 Code, as last amended by Act 237 of 2010, is further amended to read:

“(b) if the prisoner is employed in a prison industry program, ten percent must be directed to the State Office of Victim Assistance Office of the Attorney General, South Carolina Crime Victim Services Division, Department of Crime Victim Compensation, Victim Compensation Fund for use in training, program development, victim compensation, and general administrative support pursuant to Section 16-3-1410 and ten percent must be retained by the department to support

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services provided by the department to victims of the incarcerated population.”

SECTION 11. Section 63-19-480 of the 1976 Code is amended to read:

“Section 63-19-480. There is created a fund within the Department of Juvenile Justice for the compensation of victims of crime. All contributions deducted from a juvenile’s wages pursuant to Section 63-19-450(E)(3) or 63-19-460(C)(3) must be deposited into this fund. Of the amount contributed to the fund by each juvenile, ninety-five percent must be paid by the department on behalf of the juvenile as restitution to the victim or victims of the juvenile’s adjudicated crime as ordered by the family court or the releasing entity, and five percent must be submitted to the South Carolina Victims’ Compensation Fund Office of the Attorney General, South Carolina Crime Victim Services Division, Department of Crime Victim Compensation, Victim Compensation Fund. If the amount of restitution ordered has been paid in full or if there is no victim of the juvenile’s adjudicated crime, the juvenile’s contributions must be submitted to the South Carolina Victims’ Compensation Fund Office of the Attorney General, South Carolina Crime Victim Services Division, Department of Crime Victim Compensation, Victim Compensation Fund.”

PART III

Uniform Supplemental Schedule Form

SECTION 12. A. Section 14-1-206(E) of the 1976 Code is amended to read:

“(E) To ensure that fines and assessments imposed pursuant to this section and Section 14-1-209(A) are properly collected and remitted to the State Treasurer, the annual independent external audit required to be performed for each county pursuant to Section 4-9-150 must include a review of the accounting controls over the collection, reporting, and distribution of fines and assessments from the point of collection to the point of distribution and a supplementary schedule Uniform Supplemental Schedule Form detailing all fines and assessments collected by the clerk of court for the court of general sessions, the amount remitted to the county treasurer, and the amount remitted to the State Treasurer.

(1) To the extent that records are made available in the format determined pursuant to subsection (E)(4), the supplementary schedule Uniform Supplemental Schedule Form developed by the Office of the Attorney General, South Carolina Crime Victim Services Division, must

be used by all counties and municipalities and must include the following elements:

- (a) all fines collected by the clerk of court for the court of general sessions;
- (b) all assessments collected by the clerk of court for the court of general sessions;
- (c) the amount of fines retained by the county treasurer;
- (d) the amount of assessments retained by the county treasurer;
- (e) the amount of fines and assessments remitted to the State Treasurer pursuant to this section; and
- (f) the total funds, by source, allocated to victim services activities, how those funds were expended, and any balances carried forward.

(2) The ~~supplementary schedule~~ Uniform Supplemental Schedule Form must be included in the external auditor's report ~~by an 'in relation to' paragraph~~ as required by generally accepted auditing standards when information accompanies the basic financial statements in auditor submitted documents.

(3) Within thirty days of issuance of the audited financial statement, the county must submit to the State Treasurer a copy of the audited financial statement and a statement of the actual cost associated with the preparation of the ~~supplemental schedule~~ Uniform Supplemental Schedule Form required in this subsection. Upon submission to the State Treasurer, the county may retain and pay from the fines and assessments collected pursuant to this section the actual expense charged by the external auditor for the preparation of the ~~supplemental schedule~~ Uniform Supplemental Schedule Form required in this subsection, not to exceed one thousand dollars each year.

(4) The clerk of court and county treasurer shall keep records of fines and assessments required to be reviewed pursuant to this subsection in the format determined by the county council and make those records available for review."

B. Section 14-1-207(E) of the 1976 Code is amended to read:

"(E) To ensure that fines and assessments imposed pursuant to this section and Section 14-1-209(A) are properly collected and remitted to the State Treasurer, the annual independent external audit required to be performed for each county pursuant to Section 4-9-150 must include a review of the accounting controls over the collection, reporting, and distribution of fines and assessments from the point of collection to the point of distribution and a ~~supplementary schedule~~ Uniform

Supplemental Schedule Form detailing all fines and assessments collected by the magistrate's court of that county, the amount remitted to the county treasurer, and the amount remitted to the State Treasurer.

(1) To the extent that records are made available in the format determined pursuant to subsection (E)(4), the ~~supplementary schedule~~ Uniform Supplemental Schedule Form developed by the Office of the Attorney General, South Carolina Crime Victim Services Division, must be used by all counties and municipalities to report victim services funds and must include the following elements:

- (a) all fines collected by the magistrate's court;
- (b) all assessments collected by the magistrate's court;
- (c) the amount of fines retained by the county treasurer;
- (d) the amount of assessments retained by the county treasurer;
- (e) the amount of fines and assessments remitted to the State Treasurer pursuant to this section; and
- (f) the total funds, by source, allocated to victim services activities, how those funds were expended, and any balances carried forward.

(2) The ~~supplementary schedule~~ Uniform Supplemental Schedule Form must be included in the external auditor's report ~~by an 'in relation to' paragraph~~ as required by generally accepted auditing standards when information accompanies the basic financial statements in auditor submitted documents.

(3) Within thirty days of issuance of the audited financial statement, the county must submit to the State Treasurer a copy of the audited financial statement and a statement of the actual cost associated with the preparation of the ~~supplemental schedule~~ Uniform Supplemental Schedule Form required in this section. Upon submission to the State Treasurer, the county may retain and pay from the fines and assessments collected pursuant to this section the actual expense charged by the external auditor for the preparation of the ~~supplemental schedule~~ Uniform Supplemental Schedule Form required in this subsection, not to exceed one thousand dollars each year.

(4) The clerk of court and county treasurer shall keep records of fines and assessments required to be reviewed pursuant to this subsection in the format determined by the county council and make those records available for review."

C. Section 14-1-208(E) of the 1976 Code is amended to read:

"(E) To ensure that fines and assessments imposed pursuant to this section and Section 14-1-209(A) are properly collected and remitted to

the State Treasurer, the annual independent external audit required to be performed for each municipality pursuant to Section 5-7-240 must include a review of the accounting controls over the collection, reporting, and distribution of fines and assessments from the point of collection to the point of distribution and a ~~supplementary schedule~~ Uniform Supplemental Schedule Form detailing all fines and assessments collected at the court level, the amount remitted to the municipal treasurer, and the amount remitted to the State Treasurer.

(1) To the extent that records are made available in the format determined pursuant to subsection (E)(4), the ~~supplementary schedule~~ Uniform Supplemental Schedule Form developed by the Office of the Attorney General, South Carolina Crime Victim Services Division, must be used by all counties and municipalities to report their crime victim services funds and must include the following elements:

- (a) all fines collected by the clerk of court for the municipal court;
- (b) all assessments collected by the clerk of court for the municipal court;
- (c) the amount of fines retained by the municipal treasurer;
- (d) the amount of assessments retained by the municipal treasurer;
- (e) the amount of fines and assessments remitted to the State Treasurer pursuant to this section; and
- (f) the total funds, by source, allocated to victim services activities, how those funds were expended, and any balances carried forward.

(2) The ~~supplementary schedule~~ Uniform Supplemental Schedule Form must be included in the external auditor's report ~~by an 'in relation to' paragraph~~ as required by generally accepted auditing standards when information accompanies the basic financial statements in auditor submitted documents.

(3) Within thirty days of issuance of the audited financial statement, the municipality must submit to the State Treasurer a copy of the audited financial statement and a statement of the actual cost associated with the preparation of the ~~supplemental schedule~~ Uniform Supplemental Schedule Form required in this section. Upon submission to the State Treasurer, the municipality may retain and pay from the fines and assessments collected pursuant to this section the actual expense charged by the external auditor for the preparation of the ~~supplemental~~

schedule Uniform Supplemental Schedule Form required in this subsection, not to exceed one thousand dollars each year.

(4) The clerk of court and municipal treasurer shall keep records of fines and assessments required to be reviewed pursuant to this subsection in the format determined by the municipal governing body and make those records available for review.”

PART IV

SECTION 13. A. Chapter 1, Title 14 of the 1976 Code is amended by adding:

“Section 14-1-211.5. The Department of Crime Victim Assistance Grants shall offer training and technical assistance to each municipality and county annually on the acceptable use of both priority one and priority two funds and funds available for competitive bid.”

B. Chapter 1, Title 14 of the 1976 Code is amended by adding:

“Section 14-1-211.6. (A) If the State Auditor finds that any county treasurer, municipal treasurer, county clerk of court, magistrate, or municipal court has not properly allocated revenue generated from court fines, fines, and assessments to the crime victim funds or has not properly expended crime victim funds, pursuant to Sections 14-1-206(B) and (D), 14-1-207(B) and (D), 14-1-208(B) and (D), and 14-1-211(B), the State Auditor shall notify the Office of the Attorney General, South Carolina Crime Victim Services Division. The division is authorized to conduct an audit, which must include both a programmatic review and financial audit of any entity or nonprofit organization receiving victim assistance funding, based on the referrals from the State Auditor or complaints of a specific nature received by the division to ensure that crime victim funds are expended in accordance with the law. Guidelines for the expenditure of these funds shall be developed in collaboration with the Victim Services Coordinating Council. The Victim Services Coordinating Council, in collaboration with the director of the division, shall develop these guidelines to ensure any expenditure that meets the parameters of Article 15, Chapter 3, Title 16 is an allowable expenditure.

(B) Any local entity or nonprofit organization that receives funding from revenue generated from crime victim funds is required to submit their budget for the expenditure of these funds to the Office of the Attorney General, South Carolina Crime Victim Services Division within thirty days of the budget’s approval by the governing body of the entity or nonprofit organization. Failure to comply with this provision shall cause the division to initiate a programmatic review and a financial audit of the entity’s or nonprofit organization’s expenditures of victim

assistance funds. Additionally, the division will place the name of the noncompliant entity or nonprofit organization on its website, where it shall remain until such time as the noncompliant entity or nonprofit organization is in compliance with the terms of this section.

(C) Any entity or nonprofit organization receiving victim assistance funding must cooperate and provide expenditure and program data requested by the division. If the division finds an error, the entity or nonprofit organization has ninety days to rectify the error. An error constitutes an entity or nonprofit organization spending victim assistance funding on unauthorized items as determined by the division. If the entity or nonprofit organization fails to cooperate with the programmatic review and financial audit or to rectify the error within ninety days, the division shall assess and collect a penalty in the amount of the unauthorized expenditure plus fifteen hundred dollars against the entity or nonprofit organization for improper expenditures. This penalty which includes the fifteen hundred dollars must be paid within thirty days of the notification by the division to the entity or nonprofit organization that the entity or nonprofit organization is in noncompliance with the provisions of this section. All penalties received by the division shall be credited to the General Fund of the State. If the penalty is not received by the division within thirty days of the notification, the political subdivision must deduct the amount of the penalty from the entity's or nonprofit organization's subsequent fiscal year appropriation."

PART V

References to Restructured Entities

SECTION 14. Any reference in the 1976 Code to the South Carolina Victims' Compensation Fund, or any other variation thereof, shall mean the South Carolina Victim Compensation Fund administered by the Office of the Attorney General, South Carolina Crime Victim Services Division, Department of Crime Victim Compensation, Victim Compensation Fund.

Any reference in the 1976 Code to the State Office of Victim Assistance, or any variation thereof, shall mean the Office of the Attorney General, South Carolina Crime Victim Services Division.

Any reference in the 1976 Code to the Office of the Crime Victims' Ombudsman of the Governor's Office, or any variation thereof, shall mean the Office of the Attorney General, South Carolina Crime Victim Services Division, Department of Crime Victim Ombudsman.

PART VI

Savings and Severability

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SECTION 15. The repeal or amendment by this act of any law, whether temporary, permanent, civil, or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release, or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 16. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

PART VII

Time Effective

SECTION 17. This act takes effect on July 1, 2017.

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Amend title to conform.

/s/Sen. C. Bradley Hutto	/s/Rep. Edward R. Tallon, Sr.
/s/Sen. Katrina Frye Shealy	/s/Rep. J. David Weeks
/s/Sen. William Timmons	/s/Rep. Peter M. McCoy, Jr.
On Part of the Senate.	On Part of the House.

, and a message was sent to the House accordingly.

Message from the House

Columbia, S.C., June 6, 2017

Mr. President and Senators:

TUESDAY, JUNE 6, 2017

The House respectfully informs your Honorable Body that it has adopted the Report of the Committee of Conference on:

S. 289 -- Senators Shealy, Rankin, McElveen, Sheheen, Hutto and McLeod: A BILL TO ENACT THE "SOUTH CAROLINA CRIME VICTIM SERVICES ACT" TO RESTRUCTURE AND CONSOLIDATE VICTIM SERVICES; TO AMEND CHAPTER 7, TITLE 1 OF THE 1976 CODE, RELATING TO THE ATTORNEY GENERAL AND SOLICITORS, BY ADDING ARTICLE 8, TO CREATE THE OFFICE OF THE ATTORNEY GENERAL, SOUTH CAROLINA CRIME VICTIM SERVICES DIVISION, TO MOVE THE STATE OFFICE OF VICTIM ASSISTANCE, THE SOUTH CAROLINA CRIME VICTIM OMBUDSMAN, AND THAT PORTION OF THE OFFICE OF HIGHWAY SAFETY AND JUSTICE PROGRAMS UNDER THE DEPARTMENT OF PUBLIC SAFETY THAT ADMINISTERS CERTAIN VICTIM SERVICES GRANTS UNDER THE NEWLY CREATED DIVISION, AND TO CREATE FOUR DEPARTMENTS UNDER THE DIVISION TO OVERSEE AND ADMINISTER DIFFERENT ASPECTS OF THE VICTIM SERVICES DELIVERY SYSTEM; TO AMEND SECTION 1-11-10(A), RELATING TO OFFICES AND DIVISIONS UNDER THE DEPARTMENT OF ADMINISTRATION, TO DELETE THOSE VICTIM SERVICES OFFICES AND OTHER ENTITIES THAT ARE MOVED TO THE NEW DIVISION; TO AMEND SECTIONS 14-1-203, 14-1-204(A), 14-1-205, 14-1-206(C), 14-1-207(C), 14-1-208(C), AND 14-1-210(A), RELATING TO THE DISTRIBUTION OF CERTAIN FILING FEES, TO MAKE CONFORMING CHANGES REFLECTING THE RESTRUCTURING OF VICTIM SERVICES GENERALLY RELATING TO THAT PORTION OF THE FEES DISTRIBUTED TO THE VICTIM COMPENSATION FUND; TO AMEND SECTIONS 16-3-1110, 16-3-1120, 16-3-1140, 16-3-1150, 16-3-1160, 16-3-1170, 16-3-1180, 16-3-1220, 16-3-1230, 16-3-1240, 16-3-1260, 16-3-1290, 16-3-1330, 16-3-1340, AND 16-3-1350, RELATING TO THE COMPENSATION OF VICTIMS OF CRIME, TO MAKE CONFORMING CHANGES REFLECTING THE RESTRUCTURING OF VICTIM SERVICES GENERALLY RELATING TO THE VICTIM COMPENSATION FUND AND CERTAIN RESPONSIBILITIES OF THE NEWLY CREATED OFFICE OF THE ATTORNEY GENERAL, SOUTH CAROLINA CRIME SERVICES DIVISION, DEPARTMENT OF CRIME VICTIM COMPENSATION; TO AMEND ARTICLE 14,

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CHAPTER 3, TITLE 16, TO RENAME THE ARTICLE “CRIME VICTIM SERVICES TRAINING, PROVIDER CERTIFICATION, AND STATISTICAL ANALYSIS”, TO MAKE CONFORMING CHANGES REFLECTING THE RESTRUCTURING OF VICTIM SERVICES ALL GENERALLY RELATING TO THE NEWLY CREATED OFFICE OF THE ATTORNEY GENERAL, SOUTH CAROLINA CRIME VICTIM SERVICES DIVISION, DEPARTMENT OF CRIME VICTIM SERVICES TRAINING, PROVIDER CERTIFICATION, AND STATISTICAL ANALYSIS, AND ITS RESPONSIBILITIES, TO MAKE CONFORMING CHANGES TO THE VICTIM SERVICES COORDINATING COUNCIL, AND TO PROVIDE THAT THE DIRECTOR OF THE SOUTH CAROLINA CRIME VICTIM SERVICES DIVISION SHALL SERVE AS CHAIRPERSON; TO AMEND ARTICLE 16, CHAPTER 3, TITLE 16, TO RENAME THE ARTICLE “CRIME VICTIM OMBUDSMAN”, TO MAKE CONFORMING CHANGES REFLECTING THE RESTRUCTURING OF VICTIM SERVICES ALL GENERALLY RELATING TO THE NEWLY CREATED OFFICE OF THE ATTORNEY GENERAL, SOUTH CAROLINA CRIME VICTIM SERVICES DIVISION, DEPARTMENT OF CRIME VICTIM OMBUDSMAN AND ITS RESPONSIBILITIES, AND TO PROVIDE A PROCEDURE FOR COMPLAINTS REGARDING THE OFFICE OF THE ATTORNEY GENERAL, SOUTH CAROLINA CRIME VICTIM SERVICES DIVISION AND ITS AFFILIATED DEPARTMENTS TO BE HANDLED THROUGH THE OMBUDSMAN WITH APPEAL TO THE STATE INSPECTOR GENERAL; TO AMEND CHAPTER 3, TITLE 16, BY ADDING ARTICLE 12, TO ENTITLE THE ARTICLE “CRIME VICTIM ASSISTANCE GRANTS”, AND TO PROVIDE THAT THE OFFICE OF THE ATTORNEY GENERAL, SOUTH CAROLINA CRIME VICTIM SERVICES DIVISION, DEPARTMENT OF CRIME VICTIM ASSISTANCE GRANTS WILL BE RUN BY A DEPUTY DIRECTOR WHO SHALL ESTABLISH A PROCESS TO SOLICIT AND ADMINISTER CERTAIN VICTIM SERVICES GRANTS AND THE DISBURSEMENT OF FUNDS FROM THOSE GRANTS; TO AMEND SECTIONS 23-6-500, 23-6-510, AND 23-6-520, RELATING TO THE SOUTH CAROLINA PUBLIC SAFETY COORDINATING COUNCIL, TO MAKE CONFORMING CHANGES TO INCLUDE THE OFFICE OF THE ATTORNEY GENERAL, SOUTH CAROLINA CRIME VICTIM SERVICES DIVISION, DEPARTMENT OF CRIME

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VICTIM ASSISTANCE GRANTS IN THE GRANT PROCESS UNDER CERTAIN CIRCUMSTANCES, AND TO REVISE THE COUNCIL'S MEMBERSHIP TO INCLUDE THE ATTORNEY GENERAL AND A VICTIM WITH A DOCUMENTED HISTORY OF VICTIMIZATION APPOINTED BY THE ATTORNEY GENERAL; TO AMEND SECTION 16-5-445(C), RELATING TO THE SEIZURE AND FORFEITURE OF EQUIPMENT USED IN VIOLATION OF A CRIME, AND SECTION 24-3-40(A)(2)(b), RELATING TO THE PRISON INDUSTRIES PROGRAM AND DISTRIBUTION OF PRISONER WAGES, TO MAKE CONFORMING CHANGES REFLECTING THE RESTRUCTURING OF VICTIM SERVICES GENERALLY RELATING TO THE VICTIM COMPENSATION FUND; TO AMEND SECTIONS 14-1-206(E), 14-1-207(E), AND 14-1-208(E), RELATING TO THE DISTRIBUTION OF CERTAIN FILING FEES, TO MAKE CONFORMING CHANGES REFLECTING THE RESTRUCTURING OF VICTIM SERVICES GENERALLY, AND TO PROVIDE FOR THE UNIFORM SUPPLEMENTAL SCHEDULE FORM TO BE DEVELOPED BY THE OFFICE OF THE ATTORNEY GENERAL, SOUTH CAROLINA CRIME VICTIM SERVICES DIVISION; AND BY ADDING SECTIONS 14-1-211.5, 14-1-211.6, AND 14-1-211.7, TO CODIFY EXISTING BUDGET PROVISOS RELATING TO THE DISTRIBUTION OF CERTAIN CRIME VICTIM FUNDS, TO PROVIDE FOR THE AUTHORITY OF THE VICTIM COMPENSATION FUND TO TRANSFER ANY STATE FUNDS DEEMED AVAILABLE TO THE DEPARTMENT OF CRIME VICTIM ASSISTANCE GRANTS UNDER CERTAIN CIRCUMSTANCES, TO PROVIDE FOR AUDITING AND REPORTING PROCEDURES FOR VICTIM SERVICES PROVIDERS, AND TO TRANSFER A CERTAIN SUM FROM THE DEPARTMENT OF CORRECTIONS TO THE SOUTH CAROLINA CRIME VICTIM SERVICES DIVISION.

Very respectfully,
Speaker of the House

Received as information.

**S. 289--REPORT OF COMMITTEE OF CONFERENCE
ENROLLED FOR RATIFICATION**

S. 289 -- Senators Shealy, Rankin, McElveen, Sheheen, Hutto and McLeod: A BILL TO ENACT THE "SOUTH CAROLINA CRIME

VICTIM SERVICES ACT" TO RESTRUCTURE AND CONSOLIDATE VICTIM SERVICES; TO AMEND CHAPTER 7, TITLE 1 OF THE 1976 CODE, RELATING TO THE ATTORNEY GENERAL AND SOLICITORS, BY ADDING ARTICLE 8, TO CREATE THE OFFICE OF THE ATTORNEY GENERAL, SOUTH CAROLINA CRIME VICTIM SERVICES DIVISION, TO MOVE THE STATE OFFICE OF VICTIM ASSISTANCE, THE SOUTH CAROLINA CRIME VICTIM OMBUDSMAN, AND THAT PORTION OF THE OFFICE OF HIGHWAY SAFETY AND JUSTICE PROGRAMS UNDER THE DEPARTMENT OF PUBLIC SAFETY THAT ADMINISTERS CERTAIN VICTIM SERVICES GRANTS UNDER THE NEWLY CREATED DIVISION, AND TO CREATE FOUR DEPARTMENTS UNDER THE DIVISION TO OVERSEE AND ADMINISTER DIFFERENT ASPECTS OF THE VICTIM SERVICES DELIVERY SYSTEM; TO AMEND SECTION 1-11-10(A), RELATING TO OFFICES AND DIVISIONS UNDER THE DEPARTMENT OF ADMINISTRATION, TO DELETE THOSE VICTIM SERVICES OFFICES AND OTHER ENTITIES THAT ARE MOVED TO THE NEW DIVISION; TO AMEND SECTIONS 14-1-203, 14-1-204(A), 14-1-205, 14-1-206(C), 14-1-207(C), 14-1-208(C), AND 14-1-210(A), RELATING TO THE DISTRIBUTION OF CERTAIN FILING FEES, TO MAKE CONFORMING CHANGES REFLECTING THE RESTRUCTURING OF VICTIM SERVICES GENERALLY RELATING TO THAT PORTION OF THE FEES DISTRIBUTED TO THE VICTIM COMPENSATION FUND; TO AMEND SECTIONS 16-3-1110, 16-3-1120, 16-3-1140, 16-3-1150, 16-3-1160, 16-3-1170, 16-3-1180, 16-3-1220, 16-3-1230, 16-3-1240, 16-3-1260, 16-3-1290, 16-3-1330, 16-3-1340, AND 16-3-1350, RELATING TO THE COMPENSATION OF VICTIMS OF CRIME, TO MAKE CONFORMING CHANGES REFLECTING THE RESTRUCTURING OF VICTIM SERVICES GENERALLY RELATING TO THE VICTIM COMPENSATION FUND AND CERTAIN RESPONSIBILITIES OF THE NEWLY CREATED OFFICE OF THE ATTORNEY GENERAL, SOUTH CAROLINA CRIME SERVICES DIVISION, DEPARTMENT OF CRIME VICTIM COMPENSATION; TO AMEND ARTICLE 14, CHAPTER 3, TITLE 16, TO RENAME THE ARTICLE "CRIME VICTIM SERVICES TRAINING, PROVIDER CERTIFICATION, AND STATISTICAL ANALYSIS", TO MAKE CONFORMING CHANGES REFLECTING THE RESTRUCTURING OF VICTIM

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SERVICES ALL GENERALLY RELATING TO THE NEWLY CREATED OFFICE OF THE ATTORNEY GENERAL, SOUTH CAROLINA CRIME VICTIM SERVICES DIVISION, DEPARTMENT OF CRIME VICTIM SERVICES TRAINING, PROVIDER CERTIFICATION, AND STATISTICAL ANALYSIS, AND ITS RESPONSIBILITIES, TO MAKE CONFORMING CHANGES TO THE VICTIM SERVICES COORDINATING COUNCIL, AND TO PROVIDE THAT THE DIRECTOR OF THE SOUTH CAROLINA CRIME VICTIM SERVICES DIVISION SHALL SERVE AS CHAIRPERSON; TO AMEND ARTICLE 16, CHAPTER 3, TITLE 16, TO RENAME THE ARTICLE "CRIME VICTIM OMBUDSMAN", TO MAKE CONFORMING CHANGES REFLECTING THE RESTRUCTURING OF VICTIM SERVICES ALL GENERALLY RELATING TO THE NEWLY CREATED OFFICE OF THE ATTORNEY GENERAL, SOUTH CAROLINA CRIME VICTIM SERVICES DIVISION, DEPARTMENT OF CRIME VICTIM OMBUDSMAN AND ITS RESPONSIBILITIES, AND TO PROVIDE A PROCEDURE FOR COMPLAINTS REGARDING THE OFFICE OF THE ATTORNEY GENERAL, SOUTH CAROLINA CRIME VICTIM SERVICES DIVISION AND ITS AFFILIATED DEPARTMENTS TO BE HANDLED THROUGH THE OMBUDSMAN WITH APPEAL TO THE STATE INSPECTOR GENERAL; TO AMEND CHAPTER 3, TITLE 16, BY ADDING ARTICLE 12, TO ENTITLE THE ARTICLE "CRIME VICTIM ASSISTANCE GRANTS", AND TO PROVIDE THAT THE OFFICE OF THE ATTORNEY GENERAL, SOUTH CAROLINA CRIME VICTIM SERVICES DIVISION, DEPARTMENT OF CRIME VICTIM ASSISTANCE GRANTS WILL BE RUN BY A DEPUTY DIRECTOR WHO SHALL ESTABLISH A PROCESS TO SOLICIT AND ADMINISTER CERTAIN VICTIM SERVICES GRANTS AND THE DISBURSEMENT OF FUNDS FROM THOSE GRANTS; TO AMEND SECTIONS 23-6-500, 23-6-510, AND 23-6-520, RELATING TO THE SOUTH CAROLINA PUBLIC SAFETY COORDINATING COUNCIL, TO MAKE CONFORMING CHANGES TO INCLUDE THE OFFICE OF THE ATTORNEY GENERAL, SOUTH CAROLINA CRIME VICTIM SERVICES DIVISION, DEPARTMENT OF CRIME VICTIM ASSISTANCE GRANTS IN THE GRANT PROCESS UNDER CERTAIN CIRCUMSTANCES, AND TO REVISE THE COUNCIL'S MEMBERSHIP TO INCLUDE THE ATTORNEY GENERAL AND A VICTIM WITH A DOCUMENTED HISTORY OF

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VICTIMIZATION APPOINTED BY THE ATTORNEY GENERAL; TO AMEND SECTION 16-5-445(C), RELATING TO THE SEIZURE AND FORFEITURE OF EQUIPMENT USED IN VIOLATION OF A CRIME, AND SECTION 24-3-40(A)(2)(b), RELATING TO THE PRISON INDUSTRIES PROGRAM AND DISTRIBUTION OF PRISONER WAGES, TO MAKE CONFORMING CHANGES REFLECTING THE RESTRUCTURING OF VICTIM SERVICES GENERALLY RELATING TO THE VICTIM COMPENSATION FUND; TO AMEND SECTIONS 14-1-206(E), 14-1-207(E), AND 14-1-208(E), RELATING TO THE DISTRIBUTION OF CERTAIN FILING FEES, TO MAKE CONFORMING CHANGES REFLECTING THE RESTRUCTURING OF VICTIM SERVICES GENERALLY, AND TO PROVIDE FOR THE UNIFORM SUPPLEMENTAL SCHEDULE FORM TO BE DEVELOPED BY THE OFFICE OF THE ATTORNEY GENERAL, SOUTH CAROLINA CRIME VICTIM SERVICES DIVISION; AND BY ADDING SECTIONS 14-1-211.5, 14-1-211.6, AND 14-1-211.7, TO CODIFY EXISTING BUDGET PROVISOS RELATING TO THE DISTRIBUTION OF CERTAIN CRIME VICTIM FUNDS, TO PROVIDE FOR THE AUTHORITY OF THE VICTIM COMPENSATION FUND TO TRANSFER ANY STATE FUNDS DEEMED AVAILABLE TO THE DEPARTMENT OF CRIME VICTIM ASSISTANCE GRANTS UNDER CERTAIN CIRCUMSTANCES, TO PROVIDE FOR AUDITING AND REPORTING PROCEDURES FOR VICTIM SERVICES PROVIDERS, AND TO TRANSFER A CERTAIN SUM FROM THE DEPARTMENT OF CORRECTIONS TO THE SOUTH CAROLINA CRIME VICTIM SERVICES DIVISION.

The Report of the Committee of Conference having been adopted by both Houses, ordered that the title be changed to that of an Act, and the Act enrolled for Ratification.

A message was sent to the House accordingly.

Message from the House

Columbia, S.C., June 6, 2017

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has adopted the Report of the Committee of Conference on:

H. 3969 -- Reps. Felder and Allison: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-18-1940 SO AS TO PROVIDE THE EDUCATION OVERSIGHT COMMITTEE SHALL DESIGN AND PILOT CERTAIN DISTRICT ACCOUNTABILITY MODELS THAT FOCUS ON COMPETENCY-BASED EDUCATION; BY ADDING SECTION 59-18-1950 SO AS TO PROVIDE FOR THE ESTABLISHMENT OF A STATE LONGITUDINAL DATA SYSTEM FOR MEASURING THE CONTINUOUS IMPROVEMENT OF PUBLIC EDUCATION AND THE COLLEGE READINESS AND CAREER READINESS OF PUBLIC SCHOOL GRADUATES, AND TO PROVIDE RELATED FINDINGS; BY ADDING SECTION 59-18-1960 SO AS TO PROVIDE THE MEASURING OF STUDENT PROGRESS OR GROWTH USING A VALUE-ADDED SYSTEM; TO AMEND SECTION 59-18-100, AS AMENDED, RELATING TO THE PURPOSE OF THE ACCOUNTABILITY SYSTEM IN THE EDUCATION ACCOUNTABILITY ACT, SO AS TO PROVIDE ADDITIONAL PURPOSES CONCERNING THE PROFILE OF THE SOUTH CAROLINA GRADUATE; TO AMEND SECTION 59-18-120, AS AMENDED, RELATING TO DEFINITIONS IN THE EDUCATION ACCOUNTABILITY ACT, SO AS TO REVISE AND ADD DEFINED TERMS; TO AMEND SECTION 59-18-310, AS AMENDED, RELATING TO THE STATEWIDE ASSESSMENT PROGRAM FOR MEASURING STUDENT PERFORMANCE, SO AS TO DELETE OBSOLETE LANGUAGE AND TO DELETE PROVISIONS CONCERNING THE TIMING FOR ADMINISTERING CERTAIN ASSESSMENTS; TO AMEND SECTION 59-18-320, AS AMENDED, RELATING TO THE ADMINISTRATION OF CERTAIN STATEWIDE STANDARDS-BASED ASSESSMENTS, SO AS TO DELETE OBSOLETE PROVISIONS CONCERNING THE NO CHILD LEFT BEHIND ACT, AND TO DELETE PROVISIONS CONCERNING PERFORMANCE LEVEL RESULTS IN VARIOUS CORE SUBJECT AREAS; TO AMEND SECTION 59-18-325, AS AMENDED, RELATING TO COLLEGE AND CAREER READINESS SUMMATIVE ASSESSMENTS, SO AS TO REVISE PROCUREMENT AND ADMINISTRATION PROVISIONS AND THE TIME AFTER WHICH RESULTS OF SUCH ASSESSMENTS MAY BE INCLUDED IN SCHOOL RATINGS; TO AMEND SECTION 59-18-330, AS AMENDED, RELATING TO THE

COORDINATION AND ADMINISTRATION OF THE NATIONAL ASSESSMENT OF EDUCATION PROGRESS, SO AS TO PROVIDE THE STATE SHALL PARTICIPATE AS AN INDIVIDUAL EDUCATION SYSTEM IN THE PROGRAM FOR INTERNATIONAL STUDENT ASSESSMENT AND TO PROVIDE ASSOCIATED RESPONSIBILITIES OF THE STATE DEPARTMENT OF EDUCATION; TO AMEND SECTION 59-18-340, AS AMENDED, RELATING TO THE MANDATORY PROVISION OF STATE-FUNDED ASSESSMENTS SO AS TO DELETE ONE SUCH ASSESSMENT AND INCLUDE TWO ADDITIONAL ASSESSMENTS; TO AMEND SECTION 59-18-900, AS AMENDED, RELATING TO THE COMPREHENSIVE ANNUAL REPORT CARD FOR SCHOOLS, SO AS TO PROVIDE IT IS WEB-BASED, TO REVISE THE PURPOSES OF THE REPORT CARD, TO REVISE AND DEFINE CATEGORIES OF ACADEMIC PERFORMANCE RATINGS, TO PROVIDE THE SAME CATEGORIES ALSO MUST BE ASSIGNED TO INDIVIDUAL INDICATORS USED TO MEASURE SCHOOL PERFORMANCE, TO MAKE THE USE OF STUDENT SCORES IN CALCULATING SCHOOL RATINGS BE OPTIONAL INSTEAD OF MANDATORY, TO DELETE STUDENT PERFORMANCE LEVELS, TO PROVIDE THE REPORT CARD MUST INCLUDE INDICATORS THAT MEET FEDERAL LAW REQUIREMENTS, TO INCLUDE DROPOUT RETENTION DATA AND ACCESS TO TECHNOLOGY AMONG THE TYPES OF INFORMATION THAT SHOULD BE INCLUDED IN REPORT CARDS, AND TO REVISE REQUIREMENTS FOR RELATED SCHOOL IMPROVEMENT COUNCIL REPORTS; TO AMEND SECTION 59-18-910, AS AMENDED, RELATING TO COMPREHENSIVE CYCLICAL REVIEWS OF THE ACCOUNTABILITY SYSTEM, SO AS TO REQUIRE THE INCLUSION OF CERTAIN RECOMMENDATIONS DETERMINING THE READINESS OF GRADUATING STUDENTS IN CERTAIN CATEGORIES RELATED TO THE PROFILE OF THE SOUTH CAROLINA GRADUATE; TO AMEND SECTION 59-18-920, AS AMENDED, RELATING TO CHARTER SCHOOLS, SO AS TO PROVIDE DATA REQUIRED OF A CHARTER SCHOOL MAY BE USED TO DEVELOP A RATING OF THE SCHOOL, TO DELETE EXISTING PROVISIONS CONCERNING THE CHARTER SCHOOL RATINGS, TO DELETE PROVISIONS PROHIBITING USE OF CHARTER SCHOOL STUDENT PERFORMANCE IN A

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DISTRICT'S OVERALL PERFORMANCE RATINGS; TO AMEND SECTION 59-18-930, AS AMENDED, RELATING TO THE REQUIREMENT THAT THE DEPARTMENT ANNUALLY ISSUE AN EXECUTIVE SUMMARY OF THE REPORT CARD, SO AS TO PROVIDE THE DEPARTMENT INSTEAD MAY PUBLISH THE REPORT ON ITS WEBSITE IN A CERTAIN MANNER, AND TO PROVIDE CERTAIN NATIONAL ASSESSMENT SCORES MAY BE INCLUDED; AND TO REPEAL SECTION 59-18-950 RELATING TO CRITERIA FOR SCHOOL DISTRICT AND HIGH SCHOOL RATINGS.

Very respectfully,
Speaker of the House

Received as information.

**H. 3969--REPORT OF THE
COMMITTEE OF CONFERENCE ADOPTED**

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

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

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THE TYPES OF INFORMATION THAT SHOULD BE INCLUDED IN REPORT CARDS, AND TO REVISE REQUIREMENTS FOR RELATED SCHOOL IMPROVEMENT COUNCIL REPORTS; TO AMEND SECTION 59-18-910, AS AMENDED, RELATING TO COMPREHENSIVE CYCLICAL REVIEWS OF THE ACCOUNTABILITY SYSTEM, SO AS TO REQUIRE THE INCLUSION OF CERTAIN RECOMMENDATIONS DETERMINING THE READINESS OF GRADUATING STUDENTS IN CERTAIN CATEGORIES RELATED TO THE PROFILE OF THE SOUTH CAROLINA GRADUATE; TO AMEND SECTION 59-18-920, AS AMENDED, RELATING TO CHARTER SCHOOLS, SO AS TO PROVIDE DATA REQUIRED OF A CHARTER SCHOOL MAY BE USED TO DEVELOP A RATING OF THE SCHOOL, TO DELETE EXISTING PROVISIONS CONCERNING THE CHARTER SCHOOL RATINGS, TO DELETE PROVISIONS PROHIBITING USE OF CHARTER SCHOOL STUDENT PERFORMANCE IN A DISTRICT'S OVERALL PERFORMANCE RATINGS; TO AMEND SECTION 59-18-930, AS AMENDED, RELATING TO THE REQUIREMENT THAT THE DEPARTMENT ANNUALLY ISSUE AN EXECUTIVE SUMMARY OF THE REPORT CARD, SO AS TO PROVIDE THE DEPARTMENT INSTEAD MAY PUBLISH THE REPORT ON ITS WEBSITE IN A CERTAIN MANNER, AND TO PROVIDE CERTAIN NATIONAL ASSESSMENT SCORES MAY BE INCLUDED; AND TO REPEAL SECTION 59-18-950 RELATING TO CRITERIA FOR SCHOOL DISTRICT AND HIGH SCHOOL RATINGS.

On motion of Senator HEMBREE, with unanimous consent, the Report of the Committee of Conference was taken up for immediate consideration.

Senator HEMBREE spoke on the report.

The question then was adoption of the Report of Committee of Conference.

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

Ayes 40; Nays 0; Present 1

AYES

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Alexander	Allen	Bennett
Campbell	Campsen	Climer
Corbin	Cromer	Davis
Fanning	Gambrell	Goldfinch
Gregory	Grooms	Hembree
Hutto	Jackson	Kimpson
Leatherman	Martin	<i>Matthews, John</i>
<i>Matthews, Margie</i>	McElveen	McLeod
Nicholson	Peeler	Rankin
Reese	Rice	Sabb
Scott	Setzler	Shealy
Sheheen	Talley	Timmons
Turner	Verdin	Williams
Young		

Total--40

NAYS

Total--0

PRESENT

Cash

Total--1

The Report of Conference Committee was adopted as follows:

H. 3969--Conference Report

The General Assembly, Columbia, S.C., May 24, 2017

The COMMITTEE OF CONFERENCE, to whom was referred:

H. 3969 -- Reps. Felder and Allison: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-18-1940 SO AS TO PROVIDE THE EDUCATION OVERSIGHT COMMITTEE SHALL DESIGN AND PILOT CERTAIN DISTRICT ACCOUNTABILITY MODELS THAT FOCUS ON COMPETENCY-BASED EDUCATION; BY ADDING SECTION 59-18-1950 SO AS TO PROVIDE FOR THE ESTABLISHMENT OF A STATE LONGITUDINAL DATA SYSTEM FOR MEASURING

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THE CONTINUOUS IMPROVEMENT OF PUBLIC EDUCATION AND THE COLLEGE READINESS AND CAREER READINESS OF PUBLIC SCHOOL GRADUATES, AND TO PROVIDE RELATED FINDINGS; BY ADDING SECTION 59-18-1960 SO AS TO PROVIDE THE MEASURING OF STUDENT PROGRESS OR GROWTH USING A VALUE-ADDED SYSTEM; TO AMEND SECTION 59-18-100, AS AMENDED, RELATING TO THE PURPOSE OF THE ACCOUNTABILITY SYSTEM IN THE EDUCATION ACCOUNTABILITY ACT, SO AS TO PROVIDE ADDITIONAL PURPOSES CONCERNING THE PROFILE OF THE SOUTH CAROLINA GRADUATE; TO AMEND SECTION 59-18-120, AS AMENDED, RELATING TO DEFINITIONS IN THE EDUCATION ACCOUNTABILITY ACT, SO AS TO REVISE AND ADD DEFINITIONS; TO AMEND SECTION 59-18-310, AS AMENDED, RELATING TO THE STATEWIDE ASSESSMENT PROGRAM FOR MEASURING STUDENT PERFORMANCE, SO AS TO DELETE OBSOLETE LANGUAGE, TO DELETE PROVISIONS CONCERNING THE TIMING FOR ADMINISTERING CERTAIN ASSESSMENTS, AND TO REQUIRE CERTAIN ASSESSMENTS BE SELECTED BY THE STATE DEPARTMENT OF EDUCATION WITH APPROVAL BY THE EDUCATION OVERSIGHT COMMITTEE; TO AMEND SECTION 59-18-320, AS AMENDED, RELATING TO THE ADMINISTRATION OF CERTAIN STATEWIDE STANDARDS-BASED ASSESSMENTS, SO AS TO DELETE OBSOLETE PROVISIONS CONCERNING THE NO CHILD LEFT BEHIND ACT, AND TO DELETE PROVISIONS CONCERNING PERFORMANCE LEVEL RESULTS IN VARIOUS CORE SUBJECT AREAS; TO AMEND SECTION 59-18-325, AS AMENDED, RELATING TO STUDENT ASSESSMENTS, SO AS TO REVISE REQUIREMENTS CONCERNING THE ASSESSMENTS AND THEIR ADMINISTRATION, TO PROVIDE THAT BEGINNING WITH THE 2017-2018 SCHOOL YEAR ALL ELEVENTH GRADE STUDENTS MUST BE OFFERED COLLEGE ENTRANCE ASSESSMENTS AND MUST BE ADMINISTERED CAREER READINESS ASSESSMENTS, TO PROVIDE THE DEPARTMENT SHALL REIMBURSE DISTRICTS FOR THE ADMINISTRATION OF THESE ASSESSMENTS, TO PROVIDE DISABLED STUDENTS MUST NOT BE ADMINISTERED SUCH ASSESSMENTS WHEN THEIR INDIVIDUALIZED EDUCATION PROGRAM TEAM MEMBERS DETERMINE AND AGREE IN

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WRITING THAT TAKING SUCH ASSESSMENTS WOULD NOT ALIGN WITH THE STUDENTS' PROGRAMS OF STUDY, AND TO REVISE CIRCUMSTANCES IN WHICH WRITTEN ADMINISTRATION OF ASSESSMENTS MAY BE MADE; TO AMEND SECTION 59-18-340, AS AMENDED, RELATING TO THE MANDATORY PROVISION OF STATE-FUNDED ASSESSMENTS, SO AS TO DELETE ONE ASSESSMENT AND INCLUDE TWO ADDITIONAL ASSESSMENTS; TO AMEND SECTION 59-18-360, AS AMENDED, RELATING TO THE DISSEMINATION OF ASSESSMENT RESULTS, SO AS TO REVISE THE DATE BY WHICH THESE DISSEMINATIONS MUST BE MADE WHEN AN ASSESSMENT IS BEING UPDATED AND NEW ACHIEVEMENT STANDARDS ARE BEING SET; TO AMEND SECTION 59-18-900, AS AMENDED, RELATING TO THE COMPREHENSIVE ANNUAL REPORT CARDS FOR SCHOOLS, SO AS TO PROVIDE REPORT CARDS ARE WEB-BASED, TO REVISE THE PURPOSES AND CONTENTS OF REPORT CARDS, TO REVISE AND DEFINE ACADEMIC PERFORMANCE RATINGS FOR SCHOOLS, TO PROVIDE FOR THE MANNER OF DETERMINING THESE RATINGS AND THE PURPOSES FOR WHICH THEY MAY BE USED, AND TO PROVIDE RELATED REQUIREMENTS CONCERNING SCHOOL IMPROVEMENT COUNCIL ANNUAL REPORTS, AMONG OTHER THINGS; TO AMEND SECTION 59-18-910, AS AMENDED, RELATING TO COMPREHENSIVE CYCLICAL REVIEWS OF THE ACCOUNTABILITY SYSTEM, SO AS TO REQUIRE THE INCLUSION OF CERTAIN RECOMMENDATIONS FOR DETERMINING WHETHER STUDENTS ARE GRADUATING WITH CHARACTERISTICS OF THE PROFILE OF THE SOUTH CAROLINA GRADUATE; TO AMEND SECTION 59-18-920, AS AMENDED, RELATING TO CHARTER SCHOOLS, SO AS TO PROVIDE DATA REQUIRED OF CHARTER SCHOOLS MAY BE USED TO DEVELOP RATINGS OF THE SCHOOLS, TO DELETE EXISTING PROVISIONS CONCERNING CHARTER SCHOOL RATINGS, AND TO DELETE PROVISIONS PROHIBITING USE OF CHARTER SCHOOL STUDENT PERFORMANCES IN OVERALL PERFORMANCE RATINGS OF DISTRICTS; TO AMEND SECTION 59-18-930, AS AMENDED, RELATING TO THE REQUIREMENT THAT THE DEPARTMENT ANNUALLY REPORT AN EXECUTIVE SUMMARY OF REPORT CARD, SO AS TO ELIMINATE THE

REQUIREMENT AND INSTEAD PROVIDE THE DEPARTMENT SHALL PUBLISH REPORTS ON ITS WEBSITE IN A CERTAIN FORMAT, TO REVISE REPORTING DEADLINES, AND TO PROVIDE CERTAIN NATIONAL ASSESSMENT SCORES MAY BE INCLUDED; AND TO REPEAL SECTION 59-18-950 RELATING TO CRITERIA FOR SCHOOL DISTRICT AND HIGH SCHOOL RATINGS.

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

That the same do pass with the following amendments: (Reference is to Printer's Version 05/10/17.)

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

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

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

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

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

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

- (a) students graduating from public high schools in the state who enter postsecondary education without the need for remediation;
- (b) working-aged adults in South Carolina by county who possess a postsecondary degree or industry credential;
- (c) high school graduates who are gainfully employed in the state within five and ten years of graduating from high school; and
- (d) outcome data regarding student achievement and student growth that will assist colleges of education in achieving accreditation and in improving the quality of teachers in classrooms.

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

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

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

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

“Section 59-18-100. The General Assembly finds that South Carolinians have a commitment to public education and a conviction that high expectations for all students are vital components for improving academic achievement. It is the purpose of the General Assembly in this chapter to establish a performance based accountability system for public education which focuses on improving teaching and learning so that students are equipped with a strong academic foundation. Moreover, to

meet the Profile of the South Carolina Graduate, all students graduating from public high schools in this State should have the knowledge, skills, and opportunity to be college ready, career ready, and life ready for success in the global, digital, and knowledge-based world of the twenty-first century as provided in Section 59-1-50. All graduates should have the opportunity to qualify for and be prepared to succeed in entry-level, credit-bearing college courses, without the need for remedial coursework, postsecondary job training, or significant on-the-job training. Accountability, as defined by this chapter, means acceptance of the responsibility for improving student performance and taking actions to improve classroom practice and school performance by the Governor, the General Assembly, the State Department of Education, colleges and universities, local school boards, administrators, teachers, parents, students, and the community.”

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

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

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

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

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

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

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

(6) ‘Department’ means the State Department of Education.

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

from zero to one hundred, with one hundred being the maximum total achievable points for a school.

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

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

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

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

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

“Section 59-18-310. (A) Notwithstanding any other provision of law, the State Board of Education, through the Department of Education, is required to develop or adopt a statewide assessment program to promote student learning and to measure student performance on state standards and:

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

Assessments required to be developed or adopted pursuant to the provisions of this section or chapter must be objective and reliable, and

administered in English and in Braille for students as identified in their Individual Education Plan.

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

(2) A person who is no longer enrolled in a public school and who previously failed to receive a high school diploma or was denied graduation solely for failing to meet the exit exam requirements pursuant to this section and State Regulation may petition the local school board to determine the student's eligibility to receive a high school diploma pursuant to this chapter. The local school board will transmit diploma requests to the South Carolina Department of Education in accordance with department procedures. Petitions under this section must be submitted to the local school district. Students receiving diplomas in accordance with this section shall not be counted as graduates in the graduation rate calculations for affected schools and districts, either retroactively or in current or future calculations. On or before January 31, 2019, the South Carolina Department of Education shall report to the State Board of Education and the General Assembly the number of diplomas granted, by school district, under the provision. The State

Board of Education shall remove any conflicting requirement and promulgate conforming changes in its applicable regulations. The department shall advertise the provisions of this item in at least one daily newspaper of general circulation in the area of each school district within forty-five days after this enactment. After enactment, the department may continue to advertise the provisions of this item, but it shall not be required to advertise after December 31, 2017. At a minimum, this notice must consist of two columns measuring at least ten inches in length and measuring at least four and one-half inches combined width, and include:

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

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

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

~~(E)~~ The State Board of Education shall create a statewide adoption list of formative assessments for grades ~~one~~ kindergarten through nine aligned with the state content standards in English/language arts and mathematics that satisfies professional measurement standards in accordance with criteria jointly determined by the Education Oversight Committee and the State Department of Education. The formative assessments must provide diagnostic information in a timely manner to all school districts for each student during the course of the school year. For use beginning with the 2009-2010 School Year, and subject to appropriations by the General Assembly for the assessments, local districts must be allocated resources to select and administer formative assessments from the statewide adoption list to use to improve student performance in accordance with district improvement plans. However, if a local district already administers formative assessments, the district may continue to use the assessments if they meet the state standards and criteria pursuant to this subsection.

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

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

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

student's Individualized Education Program and as stated in the Administrative Guidelines and Procedures for Testing Students with Documented Disabilities."

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

"Section 59-18-325. (A) ~~All students entering the Beginning in eleventh grade for the first time in School Year 2014-2015 2017-2018 and subsequent years, all students must be administered offered a college and career readiness assessment as required by the federal Individuals with Disabilities Education Improvement Act and by Title 1 of the Elementary and Secondary Education Act and entrance assessment~~ that is from a provider secured by the department. In addition, all students entering the eleventh grade for the first time in School Year 2014-2015 2017-2018 and subsequent years must be administered a ~~WorkKeys career readiness~~ assessment. The results of the assessments must be provided to each student, their respective schools, and to the State to:

- (1) assist students, parents, teachers, and guidance counselors in developing individual graduation plans and in selecting courses aligned with each student's future ambitions;
- (2) promote South Carolina's Work Ready Communities initiative; and
- (3) meet federal and state accountability requirements.

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

(1) For purposes of this section, 'eleventh grade students' mean students in the third year of high school after their initial enrollment in the ninth grade.

(2) Valid accommodations must be provided according to the students' IEP or 504 plan. If a student also chooses to use the results of the college readiness assessment for post-secondary admission or placement, the student, his parent, or his guardian must indicate that

choice in compliance with the testing vendor's deadline to ensure that the student may receive allowable accommodations consistent with the IEP or 504 plan that may yield a college reportable score.

(3) In the twelfth grade, and as aligned to the student's Individual Graduation Plan, if funds are available, the State shall provide all students the opportunity to take or retake a college readiness assessment, the career readiness assessment, and/or earn industry credentials or certifications at no cost to the students. The results of the assessments must be provided to each student, the respective schools, and to the State.

(4) A student with a disability, whose Individualized Education Program (IEP) team determines, and agrees in writing, that taking either of these assessments would not be aligned with the student's program of study and the student should not be administered either assessment, must not be administered either assessment.

(C) To maintain a comprehensive and cohesive assessment system that signals a student's preparedness for the next educational level and ultimately culminates in a clear indication of a student's preparedness for postsecondary success in a college or career and to satisfy federal and state accountability purposes, the State Department of Education shall procure and maintain a summative assessment system.

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

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

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

- (c) measures a student's preparedness for the next level of their educational matriculation and individual student performance against the state standards in English/language arts, reading, writing, mathematics, and student growth;
- (d) documents student progress toward national college and career readiness benchmarks derived from empirical research and state standards;
- (e) establishes at least four student achievement levels;
- (f) includes various test questions including, but not limited to, multiple choice, constructed response, and selected response, that require students to demonstrate their understanding of the content;
- (g) be administered to all students in a computer-based format except for students with disabilities as specified in the student's IEP or 504 plan, and unless the use of a computer by these students is prohibited due to the vendor's restrictions on computer-based test security, in which case the paper version must be made available; and
- (h) assists school districts and schools in aligning assessment, curriculum, and instruction.

(2)(a) Beginning in the 2017-2018 School Year, each school district shall administer the statewide summative assessment, with the exception of alternate assessments, for grades three through eight during the last twenty days of school as determined by the district's regular instructional calendar, not including make-up days. If an extension to the twenty-day time period is needed, the school district or charter school may submit a request for an extension to the State Board of Education before December first of the school year for which the waiver is requested. The request must clearly document the scope and rationale for the extension. The request also must be accompanied by an action plan showing how the district or charter school will be able to comply with the twenty-day time frame for the following school year.

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

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

(d) In the event of school closure due to extreme weather or other disruptions that are not the fault of the district, or significant school or district technology disruptions that impede computer-based

assessment administration, the school district or charter school may submit a request to the department to provide a paper-based administration to complete testing within the last twenty days of school. The request must clearly document the scope and cause of the disruption.

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

(4)(a) ~~For the 2016 2017, 2017 2018, and 2018 2019 School Years, the department is responsible for ensuring the procurement and administration of the ACT Plus Writing assessment. Following the 2018 2019 School Year, the department shall procure and administer a standardized national test that meets the requirements of subsection (A) that documents student progress toward national college and career readiness benchmarks derived from empirical research, and is widely accepted by higher education institutions for admissions purposes. The department is responsible for continuing to procure and administer the WorkKeys assessments.~~

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

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

~~the student may receive allowable accommodations consistent with the IEP or 504 plan that may yield a college reportable score.~~

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

~~(65) Formative assessments must continue to be adopted, selected, and administered pursuant to Section 59-18-310.~~

~~(76) Within thirty days after providing student performance data to the school districts as required by law, the department must provide to the Education Oversight Committee student performance results on assessments authorized in this subsection and end-of-course assessments in a format agreed upon by the department and the Oversight Committee. The Education Oversight Committee must use the results of these assessments in School Years 2014-2015, 2015-2016, and 2016-2017 to report on student academic performance in each school and district pursuant to Section 59-18-900. The committee may not determine state ratings for schools or districts, pursuant to Section 59-18-900, using the results of the assessments required by this subsection until after the conclusion of the 2016-2017 School Year; provided, however, state ratings must be determined by The results of these assessments must be included in state ratings for each school beginning in the 2017-2018 School Year. The Oversight Committee also must develop and recommend a single accountability system that meets federal and state accountability requirements by the Fall of 2017. While developing the single accountability system that will be implemented in the 2017-2018 School Year, the Education Oversight Committee shall determine the format of a transitional report card released to the public in the Fall of 2016 and 2017 that will also identify underperforming schools and districts. These transitional reports will, at a minimum, include the following: (1) school, district, and statewide student assessment results in reading and mathematics in grades three through eight; (2) high school and district graduation rates; and (3) measures of student college and career readiness at the school, district, and statewide level. These transitional reports will inform schools and districts, the public, and the Department of Education of school and district general academic performance and assist in identifying potentially underperforming~~

schools and districts and in targeting technical assistance support and interventions in the interim before ratings are issued.

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

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

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

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

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

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

"Section 59-18-900. (A) The Education Oversight Committee, working with the State Board of Education, is directed to establish the format of a comprehensive, web-based, annual report card, its format, and an executive summary of the report card to report on the performance for the State and for the individual primary, elementary, middle, high schools, career centers, and school districts of the State. The comprehensive report card must be in a reader-friendly format, using

graphics whenever possible, published on the state, district, and school website, and, upon request, printed by the school districts. The school's ~~ratings on academic performance~~ rating must be emphasized and an explanation of ~~their~~ its meaning and significance for the school ~~and the~~ district also must be reported. The annual report card must serve at least ~~five~~ six purposes:

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

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

(3) recognize schools with high performance;

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

and

(5) meet federal report card requirements; and

(6) document the preparedness of high school graduates for college and career.

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

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

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

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

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

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

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

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

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

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

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

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

(D) The comprehensive report card must include a comprehensive set of performance indicators with information on comparisons, trends, needs, and performance over time which is helpful to parents and the public in evaluating the school. In addition, the comprehensive report card must include indicators that meet federal law requirements. Special efforts are to be made to ensure that the information contained in the report card is provided in an easily understood manner and a reader-friendly format. This information should also provide a context for the performance of the school. Where appropriate, the data should yield disaggregated results to schools and districts in planning for improvement. The report card should include information in such areas

as programs and curriculum, school leadership, community and parent support, faculty qualifications, evaluations of the school by parents, teachers, and students. In addition, the report card must contain other criteria including, but not limited to, information on promotion and retention ratios, disciplinary climate, dropout ratios, dropout reduction data, dropout retention data, access to technology, student and teacher ratios, and attendance data.

(E) After reviewing the school's performance on statewide assessments and results of other report card criteria, the principal, in conjunction with the School Improvement Council established in Section 59-20-60, must write an annual narrative of a school's progress in order to further inform parents and the community about the school and its operation efforts to ensure that all students graduate with the knowledge, skills, and opportunity to be college ready, career ready, and life ready for success in the global, digital, and knowledge-based world of the twenty-first century as provided in Section 59-1-50. The narrative must be reviewed by the district superintendent or appropriate body for a local charter school. The narrative must cite factors or activities supporting progress and barriers which inhibit progress. The school's report card must be furnished to parents and the public no later than November fifteenth for the 2016-2017 and 2017-2018 School Years. To further increase transparency and accountability, for the 2018-2019 School Year, the school's report card must be furnished to parents and the public no later than October first. For the 2019-2020 School Year, and every subsequent year, the school's report card must be furnished to parents and the public no later than September first.

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

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

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

comprehensive report must address at least attendance, academic performance in reading, math, and science, and graduation rates of military-connected children.”

SECTION 12. Section 59-18-910 of the 1976 Code, as last amended by Act 282 of 2008, is further amended to read:

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

SECTION 13. Section 59-18-920 of the 1976 Code, as last amended by Act 164 of 2012, is further amended to read:

“Section 59-18-920. A charter school established pursuant to Chapter 40, Title 59 shall report the data requested by the Department of Education necessary to generate a report card and a rating. The Department of Education shall utilize this data to issue a report card with performance ratings to parents and the public containing the ratings and explaining its significance and providing other information similar to that required of other schools in this section. The performance of students attending charter schools sponsored by the South Carolina Public Charter School District must be included in the overall performance ratings of each school in the South Carolina Public Charter School District. The performance of students attending a charter school authorized by a local school district must be reflected on a separate line on the school district’s report card and must not be included in the overall performance ratings of the local school district, unless there is a mutual agreement to include the scores in the local school district ratings. An alternative school is included in the requirements of this chapter;

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however, the purpose of an alternative school must be taken into consideration in determining its performance rating. The Education Oversight Committee, working with the State Board of Education and the School to Work Advisory Council, shall develop a report card for career and technology schools.”

SECTION 14. Section 59-18-930(A) of the 1976 Code, as last amended by Act 34 of 2009, is further amended to read:

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

SECTION 15. Section 59-18-950 of the 1976 Code is repealed.

SECTION 16. This act takes effect upon approval by the Governor./
Amend title to conform.

/s/Sen. Greg Hembree	/s/Rep. Merita Ann Allison
/s/Sen. John Wesley Matthews, Jr.	/s/Rep. R. Raye Felder
/s/Sen. Scott Talley	/s/Rep. Robert L. Brown
On Part of the Senate.	On Part of the House.

, and a message was sent to the House accordingly.

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Message from the House

Columbia, S.C., June 6, 2017

Mr. President and Senators:

The House respectfully informs your Honorable Body that the Report of the Committee of Conference having been adopted by both Houses, and this Bill having been read three times in each House, it was ordered that the title thereof be changed to that of an Act and that it be enrolled for Ratification:

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

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

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

Very respectfully,
Speaker of the House

Received as information.

**MOTION UNDER RULE 24B
H. 3720--GENERAL APPROPRIATIONS BILL**

Senator LEATHERMAN was recognized to give a status report on the Committee of Conference.

Proviso 11.23

11.23. (CHE: Auxiliary Project Approval) For FY 2017-18, the provisions of Section 2-47-40(B) of the 1976 Code, as it relates to comments and recommendation of the Commission on Higher Education, shall be suspended for institutions of higher education auxiliary, athletic, maintenance and renovation permanent improvement projects. Institutions of higher education shall submit auxiliary, athletic, maintenance and renovation project proposals, through the Department of Administration's Executive Budget Office, directly to the Joint Bond Review Committee and State Fiscal Accountability Authority and shall not submit such project proposals through the Commission on Higher Education for comments and recommendations.

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Motion Adopted

Senator LEATHERMAN moved under Rule 24B to allow inclusion of Section 11, Proviso 11.23 in the Report of the Committee of Conference.

Senator LEATHERMAN spoke on the proviso.

The motion was adopted.

Motion Adopted

Having voted on the prevailing side, Senator MARTIN moved to reconsider the vote whereby the motion was adopted.

The motion under Rule 24B was reconsidered.

The question then was the inclusion of Proviso 11.23 in the Report of the Committee of Conference.

Senator JACKSON spoke on the motion.

Senator BENNETT explained the proviso.

Senator CAMPSEN argued contra to the proviso.

Senator KIMPSON spoke on the proviso.

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

Ayes 19; Nays 23

AYES

Alexander	Bennett	Campbell
Corbin	Cromer	Gambrell
Goldfinch	Hembree	Hutto
Leatherman	<i>Matthews, Margie</i>	McElveen
Rankin	Reese	Setzler
Sheheen	Talley	Turner
Williams		

Total--19

NAYS

Allen	Campsen	Cash
Climer	Davis	Fanning
Gregory	Grooms	Jackson
Kimpson	Martin	Massey

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<i>Matthews, John</i>	McLeod	Nicholson
Peeler	Rice	Sabb
Scott	Shealy	Timmons
Verdin	Young	

Total--23

Having failed to receive the necessary vote, the motion under Rule 24B to allow the inclusion of Section 11, Proviso 11.23 in the Report of the Committee of Conference on the General Appropriations Bill failed.

Motion Adopted

Having voted on the prevailing side, Senator FANNING moved to reconsider the vote whereby the motion under Rule 24B failed.

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

Ayes 25; Nays 17

AYES

Alexander	Allen	Bennett
Campbell	Corbin	Cromer
Fanning	Gambrell	Goldfinch
Hembree	Hutto	Leatherman
<i>Matthews, John</i>	<i>Matthews, Margie</i>	McElveen
McLeod	Nicholson	Rankin
Reese	Sabb	Setzler
Shealy	Sheheen	Talley
Williams		

Total--25

NAYS

Campsen	Cash	Climer
Davis	Gregory	Grooms
Jackson	Kimpson	Martin
Massey	Peeler	Rice
Scott	Timmons	Turner
Verdin	Young	

Total--17

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Having received the necessary vote, the motion to reconsider was adopted.

The question then was the inclusion of Proviso 11.23 in the Report of the Committee of Conference.

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

Ayes 24; Nays 18

AYES

Alexander	Allen	Bennett
Campbell	Corbin	Cromer
Fanning	Gambrell	Goldfinch
Hembree	Hutto	Leatherman
<i>Matthews, John</i>	McElveen	McLeod
Nicholson	Rankin	Reese
Sabb	Setzler	Sheheen
Talley	Turner	Williams

Total--24

NAYS

Campsen	Cash	Climer
Davis	Gregory	Grooms
Jackson	Kimpson	Martin
Massey	<i>Matthews, Margie</i>	Peeler
Rice	Scott	Shealy
Timmons	Verdin	Young

Total--18

Having failed to receive the necessary vote, the motion under Rule 24B to allow the inclusion of Section 11, Proviso 11.23 in the Report of the Committee of Conference on the General Appropriations Bill failed.

Senator LEATHERMAN spoke on the Conference Committee.

Motion Adopted

Having voted on the prevailing side, Senator M.B. MATTHEWS moved to reconsider the vote whereby the motion under Rule 24B failed.

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

Ayes 26; Nays 17

AYES

Alexander	Allen	Bennett
Campbell	Corbin	Cromer
Fanning	Gambrell	Goldfinch
Hembree	Hutto	Johnson
Leatherman	<i>Matthews, John</i>	<i>Matthews, Margie</i>
McElveen	McLeod	Nicholson
Rankin	Reese	Sabb
Setzler	Sheheen	Talley
Turner	Williams	

Total--26

NAYS

Campsen	Cash	Climer
Davis	Gregory	Grooms
Jackson	Kimpson	Martin
Massey	Peeler	Rice
Scott	Shealy	Timmons
Verdin	Young	

Total--17

Having received the necessary vote, the motion under Rule 24B to reconsider the vote on the inclusion of Section 11, Proviso 11.23 in the Report of the Committee of Conference on the General Appropriations Bill was adopted.

ACTING PRESIDENT PRESIDES

Senator CROMER assumed the Chair.

The question then was the inclusion of Proviso 11.23 in the Report of the Committee of Conference.

Senator JACKSON spoke on the motion.

Senator LEATHERMAN spoke on the motion.

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

Ayes 28; Nays 14

AYES

Alexander	Allen	Bennett
Campbell	Climer	Corbin
Cromer	Fanning	Gambrell
Goldfinch	Hembree	Hutto
Johnson	Leatherman	<i>Matthews, John</i>
<i>Matthews, Margie</i>	McElveen	McLeod
Nicholson	Rankin	Reese
Sabb	Scott	Setzler
Talley	Turner	Williams
Young		

Total--28

NAYS

Campsen	Cash	Davis
Gregory	Grooms	Jackson
Kimpson	Martin	Massey
Peeler	Rice	Shealy
Timmons	Verdin	

Total--14

Having received the necessary vote, the motion under Rule 24B to allow the inclusion of Section 11, Proviso 11.23 in the Report of the Committee of Conference on the General Appropriations Bill was adopted.

**H. 3720--REPORT OF THE
COMMITTEE OF CONFERENCE ADOPTED**

H. 3720 -- Ways and Means Committee: A BILL TO MAKE APPROPRIATIONS AND TO PROVIDE REVENUES TO MEET THE ORDINARY EXPENSES OF STATE GOVERNMENT FOR THE FISCAL YEAR BEGINNING JULY 1, 2017, TO REGULATE THE EXPENDITURE OF SUCH FUNDS, AND TO FURTHER PROVIDE FOR THE OPERATION OF STATE GOVERNMENT DURING THIS FISCAL YEAR AND FOR OTHER PURPOSES.

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On motion of Senator LEATHERMAN, the Report of the Committee of Conference was taken up for immediate consideration.

Senator SETZLER spoke on the report.

Senator BENNETT spoke on the report.

Senator LEATHERMAN spoke on the report.

The question then was adoption of the Report of Committee of Conference.

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

Ayes 40; Nays 2

AYES

Alexander	Allen	Bennett
Campbell	Campsen	Climer
Corbin	Cromer	Davis
Fanning	Gambrell	Goldfinch
Gregory	Grooms	Hembree
Hutto	Jackson	Johnson
Kimpson	Leatherman	Martin
Massey	<i>Matthews, John</i>	<i>Matthews, Margie</i>
McElveen	McLeod	Nicholson
Peeler	Rankin	Reese
Sabb	Scott	Setzler
Shealy	Talley	Timmons
Turner	Verdin	Williams
Young		

Total--40

NAYS

Cash	Rice
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Total--2

Statement by Senator MARTIN

I voted yes on the Budget Conference Report because voting by section is not permitted at this stage. I would have voted "no" on Section 33, as I did at the time of the recorded vote in the Senate, because it

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contains funds that could potentially be used to end the lives of unborn children via abortion. I am encouraged that the Trump Administration has signed into law the ability for states to prevent this atrocity in the future. I also am encouraged that Lt. Governor Bryant is taking a public lead on this issue, and I will support him today and in the future.

The Report of Conference Committee was adopted as follows:

H. 3720--Conference Report

The General Assembly, Columbia, S.C., May 31, 2017

The COMMITTEE OF CONFERENCE, to whom was referred:

H. 3720 -- Ways and Means Committee: A BILL TO MAKE APPROPRIATIONS AND TO PROVIDE REVENUES TO MEET THE ORDINARY EXPENSES OF STATE GOVERNMENT FOR THE FISCAL YEAR BEGINNING JULY 1, 2017, TO REGULATE THE EXPENDITURE OF SUCH FUNDS, AND TO FURTHER PROVIDE FOR THE OPERATION OF STATE GOVERNMENT DURING THIS FISCAL YEAR AND FOR OTHER PURPOSES.

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

That the same do pass with the following amendments: (Reference is to Printer's Version 04/26/17--H.)

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

Amend title to conform.

/s/Sen. Hugh K. Leatherman
/s/Sen. Nikki G. Setzler
/s/Sen. Sean Bennett

On Part of the Senate.

/s/Rep. W. Brian White
/s/Rep. Michael A. Pitts
/s/Rep. Leonidas E. "Leon" Stavrinakis

On Part of the House.

, and a message was sent to the House accordingly.

Message from the House

Columbia, S.C., June 6, 2017

Mr. President and Senators:

TUESDAY, JUNE 6, 2017

The House respectfully informs your Honorable Body that it has adopted the Report of the Committee of Conference on:

H. 3720 -- Ways and Means Committee: A BILL TO MAKE APPROPRIATIONS AND TO PROVIDE REVENUES TO MEET THE ORDINARY EXPENSES OF STATE GOVERNMENT FOR THE FISCAL YEAR BEGINNING JULY 1, 2017, TO REGULATE THE EXPENDITURE OF SUCH FUNDS, AND TO FURTHER PROVIDE FOR THE OPERATION OF STATE GOVERNMENT DURING THIS FISCAL YEAR AND FOR OTHER PURPOSES.

Very respectfully,
Speaker of the House

Received as information.

**H. 3720--REPORT OF COMMITTEE OF CONFERENCE
ENROLLED FOR RATIFICATION**

H. 3720 -- Ways and Means Committee: A BILL TO MAKE APPROPRIATIONS AND TO PROVIDE REVENUES TO MEET THE ORDINARY EXPENSES OF STATE GOVERNMENT FOR THE FISCAL YEAR BEGINNING JULY 1, 2017, TO REGULATE THE EXPENDITURE OF SUCH FUNDS, AND TO FURTHER PROVIDE FOR THE OPERATION OF STATE GOVERNMENT DURING THIS FISCAL YEAR AND FOR OTHER PURPOSES.

The Report of the Committee of Conference having been adopted by both Houses, ordered that the title be changed to that of an Act, and the Act enrolled for Ratification.

A message was sent to the House accordingly.

**H. 3721--REPORT OF THE
COMMITTEE OF CONFERENCE ADOPTED**

H. 3721 -- Ways and Means Committee: A JOINT RESOLUTION TO APPROPRIATE MONIES FROM THE CAPITAL RESERVE FUND FOR FISCAL YEAR 2016-2017, AND TO ALLOW UNEXPENDED FUNDS APPROPRIATED TO BE CARRIED FORWARD TO SUCCEEDING FISCAL YEARS AND EXPENDED FOR THE SAME PURPOSES.

On motion of Senator LEATHERMAN, the Report of the Committee of Conference was taken up for immediate consideration.

Senator LEATHERMAN spoke on the report.

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The question then was adoption of the Report of Committee of Conference.

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

Ayes 38; Nays 2; Present 1

AYES

Alexander	Allen	Bennett
Campbell	Campsen	Climer
Corbin	Cromer	Davis
Fanning	Gambrell	Goldfinch
Gregory	Grooms	Hembree
Hutto	Jackson	Kimpson
Leatherman	<i>Matthews, John</i>	<i>Matthews, Margie</i>
McElveen	McLeod	Nicholson
Peeler	Rankin	Reese
Rice	Sabb	Scott
Setzler	Shealy	Talley
Timmons	Turner	Verdin
Williams	Young	

Total--38

NAYS

Martin	Massey
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Total--2

PRESENT

Cash

Total--1

Statement by MARTIN

I opposed the Conference Committee Report on the Capital Reserve Fund, because all of the funding shifted away from one thing and to another--was shifted away from public safety. The Senate-passed conference report contained over \$400,000 for SLED to combat terrorism and drug trafficking. It also contained \$1 million for firefighter safety. These core functions of government were stripped of all but \$1,

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actually an insult on top of injury. My primary focus, as Chairman of the Senate Corrections committee and Chairman of the Senate Finance Criminal Justice Subcommittee, is the fulfillment of our obligation to adequately fund public safety. This Conference Report ignores that obligation, and I voted "no".

The Committee of Conference Committee was adopted as follows:

H. 3721--Conference Report

The General Assembly, Columbia, S.C., May 31, 2017

The COMMITTEE OF CONFERENCE, to whom was referred:

H. 3721 -- Ways and Means Committee: A JOINT RESOLUTION TO APPROPRIATE MONIES FROM THE CAPITAL RESERVE FUND FOR FISCAL YEAR 2016-2017, AND TO ALLOW UNEXPENDED FUNDS APPROPRIATED TO BE CARRIED FORWARD TO SUCCEEDING FISCAL YEARS AND EXPENDED FOR THE SAME PURPOSES.

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

That the same do pass with the following amendments: (Reference is to Printer's Version 04/26/17--H.)

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

/ SECTION 1. In accordance with the provisions of Section 36(B)(2) and (3), Article III, Constitution of South Carolina, 1895, and Section 11-11-320(C) and (D) of the 1976 Code, there is appropriated from the monies available in the Capital Reserve Fund for Fiscal Year 2016-2017 the following amounts:

(1)	E240 - Office of Adjutant General Emergency Management Division Hurricane Matthew FEMA Match	\$ 68,000,000
(2)	E240 - Office of Adjutant General Emergency Management Division Pinnacle Mountain Fire FEMA Match	\$ 1,250,000
(3)	R400 - Department of Motor Vehicles Real ID	\$ 6,727,718
(4)	H590 - State Board for Technical and Comprehensive Education	

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	ReadySC	\$ 9,605,891
(5)	J020 - Department of Health and Human Services Medicaid Management Information System	\$ 8,832,619
(6)	P320 - Department of Commerce LocateSC	\$ 5,000,000
(7)	P400 S. C. Conservation Bank Conservation Bank Trust	\$ 5,000,000
(8)	J040 - Department of Health and Environmental Control Dam Safety Program	\$ 4,893,750
(9)	L040 - Department of Social Services Child Support System	\$ 25,000,000
(10)	L240 - Commission for the Blind Software Customization- Case Management System	\$ 100,000
(11)	P160 - Department of Agriculture Consumer Protection and Safety Equipment	\$ 650,000
(12)	H240 - South Carolina State University Technology Upgrades	\$ 350,000
(13)	N200 - Law Enforcement Training Council Criminal Justice Academy Lead Remediation	\$ 175,000
(14)	P280 - Department of Parks, Recreation and Tourism Palmetto Trail	\$ 300,000
(15)	E240 - Office of Adjutant General 2014 Winter Storm Local Matching Funds	\$ 3,322,807
(16)	D100 - State Law Enforcement Division Counter Terrorism and Arson Equipment	\$1
(17)	D100 - State Law Enforcement Division Alcohol Enforcement and Narcotics Equipment	\$1
(18)	L040 - Department of Social Services Criminal Domestic Violence - SCCADVASA	\$1

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(19) P120 - Forestry Commission
Firefighter Safety and Public
Protection - Equipment \$1
\$ 139,207,789

SECTION 2. (A) The funds appropriated to the Office of Adjutant General, Emergency Management Division in Item (1) for Hurricane Matthew FEMA Match and in Item (2) for Pinnacle Mountain Fire FEMA Match shall be utilized to provide the non-federal cost share to state and local government entities for work that is eligible under the Federal Emergency Management Agency (FEMA) Public Assistance and Individual Assistance programs. Priority shall be given to FEMA Individual Assistance and Public Assistance for state agencies, universities, and local governments.

(B) Of the funds appropriated in item (1) for Hurricane Matthew FEMA Match, \$700,000 shall be distributed in a one-time pass through allocation to the Town of Nichols for costs associated with damages caused by Hurricane Matthew, but not duplicative of work that is eligible under the FEMA Public Assistance program. Management of the funds shall be the sole responsibility of the Town of Nichols.

(C) The funds appropriated to the Office of Adjutant General in item (15) for 2014 Winter Storm Local Matching Funds, shall be disbursed to eligible counties and municipalities to offset storm cleanup expenses associated with the 2014 Winter Storm during states of emergency declared by Executive Orders 2014-06 and 2014-11. A county or municipality is eligible for disbursement if the county or municipality was eligible for reimbursement by the Federal Emergency Management Agency (FEMA), but was not reimbursed due to local match requirements.

SECTION 3. The Comptroller General shall post the appropriations contained in this joint resolution as provided in Section 11-11-320(D) of the 1976 Code. Unexpended funds appropriated pursuant to this joint resolution may be carried forward to succeeding fiscal years and expended for the same purposes.

SECTION 4. This joint resolution takes effect thirty days after the completion of the 2016-2017 Fiscal Year in accordance with the provisions of Section 36(B)(3)(a), Article III, Constitution of South Carolina, 1895, and Section 11-11-320(D)(1) of the 1976 Code./

Amend title to conform.

/s/Sen. Hugh K. Leatherman /s/Rep. W. Brian White

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/s/Sen. Nikki G. Setzler

/s/Sen. Sean Bennett

On Part of the Senate.

/s/Rep. Michael A. Pitts

/s/Rep. Leonidas E. "Leon"

Stavrinakis

On Part of the House.

, and a message was sent to the House accordingly.

Message from the House

Columbia, S.C., June 6, 2017

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has adopted the Report of the Committee of Conference on:

H. 3721 -- Ways and Means Committee: A JOINT RESOLUTION TO APPROPRIATE MONIES FROM THE CAPITAL RESERVE FUND FOR FISCAL YEAR 2016-2017, AND TO ALLOW UNEXPENDED FUNDS APPROPRIATED TO BE CARRIED FORWARD TO SUCCEEDING FISCAL YEARS AND EXPENDED FOR THE SAME PURPOSES.

Very respectfully,

Speaker of the House

Received as information.

**H. 3721--REPORT OF COMMITTEE OF CONFERENCE
ENROLLED FOR RATIFICATION**

H. 3721 -- Ways and Means Committee: A JOINT RESOLUTION TO APPROPRIATE MONIES FROM THE CAPITAL RESERVE FUND FOR FISCAL YEAR 2016-2017, AND TO ALLOW UNEXPENDED FUNDS APPROPRIATED TO BE CARRIED FORWARD TO SUCCEEDING FISCAL YEARS AND EXPENDED FOR THE SAME PURPOSES.

The Report of the Committee of Conference having been adopted by both Houses, ordered that the title be changed to that of an Act, and the Act enrolled for Ratification.

A message was sent to the House accordingly.

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

**HOUSE AMENDMENTS AMENDED
RETURNED TO THE HOUSE WITH AMENDMENTS**

S. 662 -- Senators J. Matthews and Hutto: A BILL TO CONSOLIDATE THE SCHOOL DISTRICTS IN ORANGEBURG COUNTY INTO ONE SCHOOL DISTRICT TO BE KNOWN AS THE ORANGEBURG COUNTY SCHOOL DISTRICT; TO PROVIDE FOR THE ORDERLY TRANSITION TO A SINGLE SCHOOL DISTRICT; TO PROVIDE FOR THE MEMBERSHIP OF THE BOARD OF TRUSTEES, ITS ELECTION, POWERS, AND DUTIES; TO PROVIDE THAT A DISTRICT SUPERINTENDENT IS THE CHIEF OPERATING OFFICER OF THE DISTRICT AND IS RESPONSIBLE TO THE BOARD FOR THE PROPER ADMINISTRATION OF ALL AFFAIRS OF THE DISTRICT AND SUBJECT TO ALL OTHER PROVISIONS OF LAW RELATING TO HIS DUTIES.

The House returned the Bill with amendments.

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

Senator HUTTO explained the House amendments.

Senators JOHN MATTHEWS and HUTTO proposed the following amendment (ZW\662C002.GGS.ZW17), which was adopted:

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

/ SECTION 1. (A) Effective July 1, 2019, Orangeburg County shall consist of one school district to be known as the Orangeburg County School District. To provide for continuity of representation throughout the consolidation process, the school district elections scheduled for 2017 are suspended, and a member's term that would have expired following the 2017 school district elections is extended until July 1, 2019.

(B) The three present school districts of the county must be abolished on July 1, 2019, and the powers and duties of the respective boards of trustees of each district devolved upon the board of trustees for the school district.

(C) A current district level administrator whose position will be eliminated due to the creation of an equivalent position in the consolidated district has priority consideration for the equivalent position if the administrator remains in his or her role at the time of hiring for the consolidated district and desires to be considered for the new position. Priority consideration is limited to application review or an interview but does not mean a job must be offered. For purposes of this section, current means as of the date of bill passage; district level administrator includes superintendents, chief academic officers, associate superintendents, assistant superintendents, and district directors; and an equivalent position is to be determined based on title and job responsibilities.

SECTION 2. The school district must be governed by a board of trustees of nine members, one of whom must be elected from each of the same seven defined single-member election districts as are members of the Orangeburg County Council. These seven board members' numeric district designations shall match that of the corresponding county council district from which the consolidated school district board member is elected, and a consolidated school district board member also must be a resident of the election district from which he is elected. In addition to the seven members elected from the single-member districts described above, two additional members must be elected from Orangeburg County at large. These at-large board members shall hold seats bearing designations eight and nine. The board member holding at-large seat eight must be a resident of Orangeburg County Council District One, Two, Three, or Four, and the board member holding at-large seat nine must be a resident of Orangeburg County Council District Five, Six, or Seven. Beginning in 2018, members of the board must be elected at nonpartisan elections to be conducted at the same time as the general election. Members of the board must be elected for four-year terms and until their successors are elected and qualify, except that of the nine members of the board elected in 2018, the members elected from election districts one, three, five, seven, and at-large seat nine shall serve for initial terms to expire in November 2022, when their successors elected at the 2022 election qualify and take office. The members elected from election districts two, four, six, and at-large seat eight shall serve for initial terms to expire in November 2020, when their successors elected at the 2020 election qualify and take office. In the event of a vacancy on the board occurring for any reason other than the expiration of a term, the vacancy must be filled for the unexpired term through appointment

by the county legislative delegation. All persons desiring to qualify as a candidate shall file written notice of candidacy with the county election commission on forms furnished by the commission. This notice of candidacy must be a sworn statement and must include the candidate's name, age, election district in which he resides and from which he seeks election, voting precinct, period of residence in the county and election district, and other information that the county election commission requires. The county commissioners of election shall conduct and supervise the elections for members of the board in the manner governed by the election laws of this State, mutatis mutandis. The commissioners shall prepare the necessary ballots, appoint managers for the voting precincts, and do all things necessary to carry out the elections, including the counting of ballots and declaring the results. The commission shall publish notices of the elections pursuant to Section 7-13-35. The results of the elections must be determined by the nonpartisan plurality method contained in Section 5-15-61. The members of the board elected in these nonpartisan elections shall take office one week following certification of their election pursuant to Section 59-19-315.

SECTION 3. (A) The members of the board shall elect a chairman and other officers necessary to serve for terms of two years in these capacities.

(B) The board of trustees of the district has the power, duty, and responsibility provided by law including to:

- (1) employ a superintendent as the chief executive officer;
- (2) establish other administrative departments upon the recommendation of the superintendent;
- (3) adopt the proposed budget of the school district;
- (4) inquire into the conduct of an office, department, or agency of the school district;

(5) adopt attendance zones of schools within the school district except that, through school year 2021-2022, existing attendance zones cannot be changed unless the federal court order regarding attendance zones is rescinded or amended during this period. However, no elementary, middle, or high school may be closed until three public hearings are held at least two weeks apart within the affected attendance area, with information to include, among other things, a delineation of the cost factors involved in keeping the school open and transporting the students to another school. In addition to the public hearings requirement, if a school in an attendance area that existed before consolidation is to be closed and the students of that school moved to a

school in another attendance area, the qualified electors within the attendance area where the school is to be closed also first must approve the closing by referendum. This referendum may not be held at the same time as a school bond referendum. A school building that is the responsibility of the board of trustees of the school district must be maintained in conformity with all applicable building code standards and requirements to protect and ensure the health, safety, and welfare of students, faculty, administrators, and the general public;

(6) provide for an independent annual audit of the books and business affairs of the school district and for a general survey of school district business;

(7) cooperate to establish and maintain a central purchasing system for the purchase of contractual services, equipment, and supplies;

(8) cooperate to establish and maintain educational consortia;

(9) be responsible for policymaking action and the review of regulations established to put these policies into operation; and

(10) set by majority vote of the board a salary that each member shall receive for attending meetings of the board, which on an annual basis shall not exceed six thousand five hundred dollars. The salary set by the board may be paid on a per meeting, monthly, annual, or other basis so long as the total paid to a member for any year does not exceed the limits provided above.

SECTION 4. The district superintendent is the chief operating officer of the district and is responsible to the board for the proper administration of all affairs of the district and subject to all other provisions of law relating to his or her duties. He or she shall:

(1) appoint and, when necessary for the good of the district, remove an appointive officer or employee of the district and fix the salaries of these officers and employees, unless otherwise provided by law and except as he or she may authorize the head of a department or office to appoint and remove subordinates in the department or office;

(2) prepare the budget annually, submit it to the board, and be responsible for its administration after adoption;

(3) prepare and submit to the board at the end of each fiscal year a complete annual report on the finances and administrative activities of the board for the preceding year and make other financial reports from time to time that may be required by the board or by law;

(4) keep the board advised of the financial condition and future needs of the district and make recommendations that seem desirable;

(5) perform other duties prescribed by law or required of him or her by the board not inconsistent with the provisions of law; and

(6) centralize all administrative functions, including, but not limited to, human resources, accounting, procurement, transportation, school bus services, and maintenance.

SECTION 5. (A) The board of trustees of the school district, before July first of each year, shall prepare a school district budget for the ensuing school year. Before September second of each year, the board shall notify the county auditor and treasurer in writing of the millage required for the operation of the schools in the district for the ensuing school year. The notice by the board constitutes authority for the levying and collection of the millage upon all of the real and personal property within the school district. The levy must be placed to the credit of the district and expended for the district. Beginning in 2019, the school district may raise its millage by no more than two mills over that levied for the previous year, in addition to any millage needed to adjust for the EFA inflation factor and sufficient to meet the requirements of Section 59-21-1030. An increase above this two mills for operations may be levied only after a majority of the registered electors of the district vote in favor of the millage increase in a referendum called by the district school board and conducted by the county election commission.

(B) The board shall hold a public hearing prior to its final approval of the budget for the district. Notice of this public hearing must be placed in a newspaper of general circulation in the district at least fifteen days before the public hearing.

(C) For purposes of determining the previous year's millage of the district upon its creation, the millage levy for the district must be determined and calculated by the board based on the 2018 levy in each of the three districts and the value of a mill in each district as well as the 2018 countywide school millage levy and the value of a mill in the county.

SECTION 6. (A) On July 1, 2019, the assets and liabilities of the three present school districts must be transferred to the district. The records and employees of the three present school districts of the county must be transferred to and, if applicable, assumed by the school district.

(B) The constitutional debt limitation on the issuance of general obligation bonds applicable to the district is to be computed based on the assessed value of all taxable property in the county minus that bonded indebtedness of each of the present school districts made a part of the

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district that was includable against the constitutional debt limitation of those present school districts.

(C) During the transition period, from July 1, 2017, to July 1, 2019, no new general obligation bonds may be issued against the constitutional debt limitation of the present three districts, except in the case of an emergency. If new general obligation bonds are issued, then the board of trustees of the issuing school district must adopt an ordinance declaring the emergency and specifying the necessity of the issue.

SECTION 7. (A) The three present school districts of Orangeburg County are abolished on July 1, 2019, at which time the school district of the county must be established as provided in this act. The terms of all members of the boards of trustees of the three present school districts of the county will expire on this date. However, members of the board of trustees of the school district elected at the 2018 nonpartisan election shall take office one week following certification of their election pursuant to Section 59-19-315. From this date and until July 1, 2019, the boards may organize, begin planning for the changeover to the district, enter into contracts to effectuate these purposes, and perform other related matters, except that the responsibility and authority to manage the schools of the county rest solely with the individual boards for each of the three present districts until July 1, 2019, and the board may not interfere with this authority.

(B) Funding for the activities of the board, from the date the members assume office until July 1, 2019, must be provided from funds available to the three present school districts for operating purposes, each paying their portion based on their proportionate average daily membership report for 2018.

(C) A member of one of the three present school boards of the county may seek election to the school district board of trustees in 2018. However, if he is elected to the Orangeburg County School District Board of Trustees, prior to assuming the duties of this board, then he must first resign as a member of the present board. In this event and notwithstanding another provision of law, the vacancy on the present board that is vacated must be filled for the remainder of the unexpired term by appointment of the county legislative delegation.

SECTION 8. (A) There must be created, within sixty days of the effective date of this act, the Orangeburg Consolidation Transition Committee with the purpose to coordinate the consolidation of the three present districts into the Orangeburg County School District. The committee must be composed of the following eleven voting members:

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- (1) chairmen of the present three districts or their designees;
- (2) one board member from each of the present three districts, appointed by each board; and
- (3) five at-large members appointed by the Orangeburg County Legislative Delegation. These five members must be appointed from Orangeburg County at large and shall possess experience in or professional or acquired knowledge of public education, finance, business, or legal matters.

In addition to the eleven voting members of the committee, the three superintendents from the present three school districts shall serve as nonvoting, ex officio members. One parent from each of the three present districts also must be appointed by the Orangeburg County Legislative Delegation to serve as nonvoting members.

(B) Names of the members of the transition committee must be submitted to the county legislative delegation within sixty days of this act being signed by the Governor. The committee shall elect a chairman from one of the five at-large voting members appointed by the legislative delegation. A vacancy on the committee must be filled for the unexpired term in the same manner as the committee member whose departure from the committee created the vacancy.

(C) The committee may organize, begin planning for the changeover to the district, enter into contracts to effectuate these purposes, and perform other related matters. The committee also shall examine and make appropriate recommendations to the consolidated district board of trustees regarding the foreseeable consequences of school district consolidation on:

- (1) Orangeburg County's special needs students; and
- (2) intradistrict transfers.

(D) No later than November first, the Orangeburg Consolidation Transition Committee shall prepare a budget to be submitted to the county legislative delegation. When approved by the delegation, the budget must be funded by the school districts, each paying their portion based on their proportionate average daily membership report for 2017, from funds provided by the districts from their respective budgets. The consolidated school district fiscal commission may increase the districts' budgets to meet these requirements.

(E) The committee must be insured and indemnified in the same manner as the present school districts are insured and indemnified.

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(F) Members of the committee shall receive per diem allowed by law for members of state boards, committees, or commissions but are not entitled to mileage and subsistence.

(G) The committee must be abolished after making its recommendations to the consolidated district board of trustees.

(H) The administrations and staffs of the present three school districts are expected and encouraged to cooperate with the transition committee and the board of the school district.

(I) In creating the Orangeburg County School District, it is anticipated that there will be savings in the total district level administrative costs from the former individual districts. The committee shall review the current administrations and recommend to the board the number and type of positions needed for the consolidated district level administration.

SECTION 9. All local acts concerning a school district of Orangeburg County inconsistent with the provisions of this act are repealed as of July 1, 2017, it being the intent of the General Assembly to have this act and the general law be the only provisions of law governing the school district of the county.

SECTION 10. If any provision of this act for any reason is held by a court of competent jurisdiction to be unconstitutional or invalid, that holding shall not affect the constitutionality or validity of the remaining portions of this act. The General Assembly declares that it would have passed this act and each and every provision in it, irrespective of the fact that any one or more provisions of it may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 11. This act takes effect upon approval by the Governor./

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

The amendment was adopted.

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

TUESDAY, JUNE 6, 2017

Message from the House

Columbia, S.C., June 6, 2017

Mr. President and Senators:

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

S. 662 -- Senators J. Matthews and Hutto: A BILL TO CONSOLIDATE THE SCHOOL DISTRICTS IN ORANGEBURG COUNTY INTO ONE SCHOOL DISTRICT TO BE KNOWN AS THE ORANGEBURG COUNTY SCHOOL DISTRICT; TO PROVIDE FOR THE ORDERLY TRANSITION TO A SINGLE SCHOOL DISTRICT; TO PROVIDE FOR THE MEMBERSHIP OF THE BOARD OF TRUSTEES, ITS ELECTION, POWERS, AND DUTIES; TO PROVIDE THAT A DISTRICT SUPERINTENDENT IS THE CHIEF OPERATING OFFICER OF THE DISTRICT AND IS RESPONSIBLE TO THE BOARD FOR THE PROPER ADMINISTRATION OF ALL AFFAIRS OF THE DISTRICT AND SUBJECT TO ALL OTHER PROVISIONS OF LAW RELATING TO HIS DUTIES.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

Privilege of the Chamber

On motion of Senator DAVIS, on behalf of Senators YOUNG and MASSEY, the Privilege of the Chamber, to that area behind the rail, was extended to Miss Megan Gordon to recognize her accomplishments as Miss South Carolina.

Motion Adopted

On motion of Senator LEATHERMAN, with unanimous consent, the Senate agreed to go into Executive Session prior to adjournment.

EXECUTIVE SESSION

On motion of Senator LEATHERMAN, the seal of secrecy was removed, so far as the same relates to appointments made by the Governor and the following names were reported to the Senate in open session:

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STATEWIDE APPOINTMENTS
Confirmations

Having received a favorable report from the Judiciary Committee, the following appointments were taken up for immediate consideration:

Initial Appointment, South Carolina State Ethics Commission, with the term to commence April 1, 2017, and to expire April 1, 2022

At Large - Gubernatorial:

Brian M. Barnwell, 1992 Congaree Rd., Eastover, SC 29044 *VICE* None, Commission has been reconstituted

On motion of Senator RANKIN, the question was confirmation of Brian M. Barnwell.

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

Ayes 30; Nays 0; Abstain 9

AYES

Alexander	Bennett	Campbell
Campsen	Cash	Climer
Corbin	Cromer	Davis
Fanning	Gambrell	Gregory
Grooms	Jackson	Kimpson
Leatherman	Martin	Massey
<i>Matthews, John</i>	<i>Matthews, Margie</i>	Nicholson
Peeler	Reese	Rice
Scott	Shealy	Talley
Turner	Verdin	Williams

Total--30

NAYS

Total--0

ABSTAIN

Allen	Goldfinch	Hembree
Hutto	McElveen	Sabb
Setzler	Timmons	Young

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Total--9

The appointment of Brian M. Barnwell was confirmed.

Initial Appointment, South Carolina State Ethics Commission, with the term to commence April 1, 2017, and to expire April 1, 2022

At-Large Governor:

Childs C. Thrasher, 2726 Blossom St., Columbia, SC
29205 VICE None Commission has been reconstituted

On motion of Senator RANKIN, the question was confirmation of Childs C. Thrasher.

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

Ayes 15; Nays 11; Abstain 14

AYES

Alexander	Bennett	Campbell
Campsen	Cromer	Fanning
Gambrell	Gregory	Kimpson
Leatherman	Massey	<i>Matthews, John</i>
<i>Matthews, Margie</i>	Nicholson	Turner

Total--15

NAYS

Cash	Corbin	Davis
Grooms	Martin	Peeler
Reese	Rice	Shealy
Talley	Verdin	

Total--11

ABSTAIN

Allen	Climer	Goldfinch
Hembree	Hutto	McElveen
Rankin	Sabb	Scott
Setzler	Sheheen	Timmons
Williams	Young	

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Total--14

The appointment of Childs C. Thrasher was confirmed.

Initial Appointment, South Carolina State Ethics Commission, with the term to commence April 1, 2017, and to expire April 1, 2020

At Large-Governor:

Brandolyn T. Pinkston, 5 Woodlands Ridge Court, Columbia, SC 29229 *VICE* None, Commission has been reconstituted

On motion of Senator RANKIN, the question was confirmation of Brandolyn T. Pinkston.

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

Ayes 30; Nays 0; Abstain 9

AYES

Alexander	Bennett	Campbell
Campsen	Cash	Climer
Corbin	Cromer	Davis
Fanning	Gambrell	Gregory
Grooms	Jackson	Kimpson
Leatherman	Martin	Massey
<i>Matthews, John</i>	<i>Matthews, Margie</i>	Nicholson
Peeler	Reese	Rice
Scott	Shealy	Talley
Turner	Verdin	Williams

Total--30

NAYS

Total--0

ABSTAIN

Allen	Goldfinch	Hembree
Hutto	McElveen	Sabb
Setzler	Timmons	Young

Total--9

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The appointment of Brandolyn T. Pinkston was confirmed.

Initial Appointment, South Carolina State Ethics Commission, with the term to commence April 1, 2017, and to expire March 31, 2022

Senate - Minority:

Donald Gist, 511 Oakbrook Drive, Columbia, SC 29223

On motion of Senator RANKIN, the question was confirmation of Donald Gist.

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

Ayes 30; Nays 0; Abstain 9

AYES

Alexander	Bennett	Campbell
Campsen	Cash	Climer
Corbin	Cromer	Davis
Fanning	Gambrell	Gregory
Grooms	Jackson	Kimpson
Leatherman	Martin	Massey
<i>Matthews, John</i>	<i>Matthews, Margie</i>	Nicholson
Peeler	Reese	Rice
Scott	Shealy	Talley
Turner	Verdin	Williams

Total--30

NAYS

Total--0

ABSTAIN

Allen	Goldfinch	Hembree
Hutto	McElveen	Sabb
Setzler	Timmons	Young

Total--9

The appointment of Donald Gist was confirmed.

TUESDAY, JUNE 6, 2017

Initial Appointment, South Carolina State Ethics Commission, with
the term to commence April 1, 2017, and to expire March 31, 2020

Senate - Majority:

James F. "Rick" Reames III, 1230 Main Street, Suite 700, Columbia,
SC 29201

On motion of Senator RANKIN, the question was confirmation of
James F. Reames III.

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

Ayes 30; Nays 0; Abstain 9

AYES

Alexander	Bennett	Campbell
Campsen	Cash	Climer
Corbin	Cromer	Davis
Fanning	Gambrell	Gregory
Grooms	Jackson	Kimpson
Leatherman	Martin	Massey
<i>Matthews, John</i>	<i>Matthews, Margie</i>	Nicholson
Peeler	Reese	Rice
Scott	Shealy	Talley
Turner	Verdin	Williams

Total--30

NAYS

Total--0

ABSTAIN

Allen	Goldfinch	Hembree
Hutto	McElveen	Sabb
Setzler	Timmons	Young

Total--9

The appointment of James F. Reames III was confirmed.

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Initial Appointment, South Carolina State Ethics Commission, with
the term to commence April 1, 2017, and to expire April 1, 2022

House - Majority:

Donald H. Jackson, 13186 Indian Mound Road, Ware Shoals, SC
29692

On motion of Senator RANKIN, the question was confirmation of Donald H. Jackson.

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

Ayes 30; Nays 0; Abstain 9

AYES

Alexander	Bennett	Campbell
Campsen	Cash	Climer
Corbin	Cromer	Davis
Fanning	Gambrell	Gregory
Grooms	Jackson	Kimpson
Leatherman	Martin	Massey
<i>Matthews, John</i>	<i>Matthews, Margie</i>	Nicholson
Peeler	Reese	Rice
Scott	Shealy	Talley
Turner	Verdin	Williams

Total--30

NAYS

Total--0

ABSTAIN

Allen	Goldfinch	Hembree
Hutto	McElveen	Sabb
Setzler	Timmons	Young

Total--9

The appointment of Donald H. Jackson was confirmed.

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Initial Appointment, South Carolina State Ethics Commission, with
the term to commence April 1, 2017, and to expire April 1, 2020

House - Minority:

Victor K. Li, 11 Lord Nelson Court, Columbia, SC 29209

On motion of Senator RANKIN, the question was confirmation of Victor K. Li.

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

Ayes 30; Nays 0; Abstain 9

AYES

Alexander	Bennett	Campbell
Campsen	Cash	Climer
Corbin	Cromer	Davis
Fanning	Gambrell	Gregory
Grooms	Jackson	Kimpson
Leatherman	Martin	Massey
<i>Matthews, John</i>	<i>Matthews, Margie</i>	Nicholson
Peeler	Reese	Rice
Scott	Shealy	Talley
Turner	Verdin	Williams

Total--30

NAYS

Total--0

ABSTAIN

Allen	Goldfinch	Hembree
Hutto	McElveen	Sabb
Setzler	Timmons	Young

Total--9

The appointment of Victor K. Li was confirmed.

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Initial Appointment, South Carolina State Ethics Commission, with
the term to commence April 1, 2017, and to expire April 1, 2020

At Large-Governor:

Ashleigh R. Wilson, 4709 Faulkland Road, Columbia, SC 29210
VICE None, Commission has been reconstituted

On motion of Senator RANKIN, the question was confirmation of
Ashleigh R. Wilson.

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

Ayes 30; Nays 0; Abstain 9

AYES

Alexander	Bennett	Campbell
Campsen	Cash	Climer
Corbin	Cromer	Davis
Fanning	Gambrell	Gregory
Grooms	Jackson	Kimpson
Leatherman	Martin	Massey
<i>Matthews, John</i>	<i>Matthews, Margie</i>	Nicholson
Peeler	Reese	Rice
Scott	Shealy	Talley
Turner	Verdin	Williams

Total--30

NAYS

Total--0

ABSTAIN

Allen	Goldfinch	Hembree
Hutto	McElveen	Sabb
Setzler	Timmons	Young

Total--9

The appointment of Ashleigh R. Wilson was confirmed.

TUESDAY, JUNE 6, 2017

Message from the House

Columbia, S.C., June 6, 2017

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has confirmed the following appointments to the State Ethics Commission:

STATEWIDE APPOINTMENTS

Initial Appointment, South Carolina State Ethics Commission, with the term to commence April 1, 2017, and to expire April 1, 2022

At Large-Gubernatorial:

Brian M. Barnwell, 1992 Congaree Rd., Eastover, SC 29044 *VICE*
None, Commission has been reconstituted

Initial Appointment, South Carolina State Ethics Commission, with the term to commence April 1, 2017, and to expire April 1, 2022

At Large-Governor:

Childs C. Thrasher, 2726 Blossom St., Columbia, SC 29205 *VICE*
None, Commission has been reconstituted

Initial Appointment, South Carolina State Ethics Commission, with the term to commence April 1, 2017, and to expire April 1, 2020

At Large-Governor:

Brandolyn T. Pinkston, 5 Woodlands Ridge Court, Columbia, SC 29229 *VICE* None, Commission has been reconstituted

Initial Appointment, South Carolina State Ethics Commission, with the term to commence April 1, 2017, and to expire March 31, 2022

Senate - Minority:

Donald Gist, 511 Oakbrook Drive, Columbia, SC 29223

Initial Appointment, South Carolina State Ethics Commission, with the term to commence April 1, 2017, and to expire March 31, 2020

Senate - Majority:

James F. "Rick" Reames III, 1230 Main Street, Suite 700, Columbia, SC 29201

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Initial Appointment, South Carolina State Ethics Commission, with the term to commence April 1, 2017, and to expire April 1, 2022

House - Majority:

Donald H. Jackson, 13186 Indian Mound Road, Ware Shoals, SC 29692

Initial Appointment, South Carolina State Ethics Commission, with the term to commence April 1, 2017, and to expire April 1, 2020

House - Minority:

Victor K. Li, 11 Lord Nelson Court, Columbia, SC 29209

Initial Appointment, South Carolina State Ethics Commission, with the term to commence April 1, 2017, and to expire April 1, 2020

At Large-Governor:

Ashleigh R. Wilson, 4709 Faulkland Road, Columbia, SC 29210
VICE None, Commission has been reconstituted

Very respectfully,

Speaker of the House

Received as information.

Expression of Personal Interest

Senator YOUNG rose for an Expression of Personal Interest.

Expression of Personal Interest

Senator CLIMER rose for an Expression of Personal Interest.

RATIFICATION OF ACTS

Pursuant to an invitation the Honorable Speaker and House of Representatives appeared in the Senate Chamber on June 06, 2017, at 6:00 P.M. and the following Acts and Joint Resolution were ratified:

(R125, S. 179) -- Senators Hutto and Hembree: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 19 TO CHAPTER 53, TITLE 44 SO AS TO PROVIDE LIMITED IMMUNITY FROM PROSECUTION FOR CERTAIN DRUG AND ALCOHOL-RELATED OFFENSES FOR A PERSON WHO SEEKS MEDICAL ASSISTANCE FOR ANOTHER PERSON WHO IS EXPERIENCING A DRUG OR ALCOHOL-RELATED OVERDOSE OR FOR A PERSON WHO IS

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EXPERIENCING A DRUG OR ALCOHOL-RELATED OVERDOSE AND SEEKS MEDICAL ASSISTANCE, TO ALLOW THE COURT TO CONSIDER AS A MITIGATING FACTOR IN PROCEEDINGS RELATED TO OTHER CRIMINAL OFFENSES WHETHER OR NOT MEDICAL ASSISTANCE WAS SOUGHT, TO LIMIT THE IMMUNITY TO ALLOW PROSECUTION OF A PERSON FOR OTHER CRIMES ARISING OUT OF THE DRUG OR ALCOHOL-RELATED OVERDOSE, TO ALLOW FOR ADMISSIBILITY OF CERTAIN EVIDENCE, TO PROVIDE CIVIL AND CRIMINAL IMMUNITY FOR LAW ENFORCEMENT OFFICERS RELATING TO CERTAIN ARRESTS IF THE OFFICER MADE THE ARREST BASED ON PROBABLE CAUSE, AND TO PROVIDE FOR OTHER PROCEDURAL AND RELATED PROVISIONS PERTAINING TO THE ABOVE.

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(R126, S. 289) -- Senators Shealy, Rankin, McElveen, Sheheen, Hutto and McLeod: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE "SOUTH CAROLINA CRIME VICTIM SERVICES ACT" TO RESTRUCTURE AND CONSOLIDATE VICTIM SERVICES; BY ADDING ARTICLE 8 TO CHAPTER 7, TITLE 1 SO AS TO CREATE THE OFFICE OF THE ATTORNEY GENERAL, SOUTH CAROLINA CRIME VICTIM SERVICES DIVISION, MOVE THE STATE OFFICE OF VICTIM ASSISTANCE, THE SOUTH CAROLINA CRIME VICTIM OMBUDSMAN, AND THAT PORTION OF THE OFFICE OF HIGHWAY SAFETY AND JUSTICE PROGRAMS UNDER THE DEPARTMENT OF PUBLIC SAFETY WHICH ADMINISTERS CERTAIN VICTIM SERVICES GRANTS UNDER THE NEWLY CREATED DIVISION, AND TO CREATE FOUR DEPARTMENTS UNDER THE DIVISION TO OVERSEE AND ADMINISTER DIFFERENT ASPECTS OF THE VICTIM SERVICES DELIVERY SYSTEM; TO AMEND SECTION 1-11-10, AS AMENDED, RELATING TO OFFICES AND DIVISIONS UNDER THE DEPARTMENT OF ADMINISTRATION, SO AS TO DELETE THOSE VICTIM SERVICES OFFICES AND OTHER ENTITIES WHICH ARE MOVED TO THE NEW DIVISION; TO AMEND SECTIONS 14-1-203, 14-1-204, 14-1-205, 14-1-206, 14-1-207, 14-1-208, AND 14-1-210, ALL RELATING TO THE DISTRIBUTION OF CERTAIN FILING FEES, ALL SO AS TO MAKE CONFORMING

CHANGES REFLECTING THE RESTRUCTURING OF VICTIM SERVICES GENERALLY RELATING TO THAT PORTION OF THE FEES DISTRIBUTED TO THE VICTIM COMPENSATION FUND; TO AMEND SECTION 16-3-1110, AS AMENDED, AND TO AMEND SECTIONS 16-3-1120, 16-3-1140, 16-3-1150, 16-3-1160, 16-3-1170, 16-3-1180, 16-3-1220, 16-3-1230, 16-3-1240, 16-3-1260, 16-3-1290, 16-3-1330, 16-3-1340, AND 16-3-1350, ALL RELATING TO COMPENSATION OF VICTIMS OF CRIME, ALL SO AS TO MAKE CONFORMING CHANGES REFLECTING THE RESTRUCTURING OF VICTIM SERVICES GENERALLY RELATING TO THE VICTIM COMPENSATION FUND AND CERTAIN RESPONSIBILITIES OF THE NEWLY CREATED OFFICE OF THE ATTORNEY GENERAL, SOUTH CAROLINA CRIME SERVICES DIVISION, DEPARTMENT OF CRIME VICTIM COMPENSATION; TO AMEND ARTICLE 14, CHAPTER 3, TITLE 16, RELATING TO THE VICTIM ASSISTANCE PROGRAM, SO AS TO RENAME THE ARTICLE "CRIME VICTIM SERVICES TRAINING, PROVIDER CERTIFICATION, AND STATISTICAL ANALYSIS", TO MAKE CONFORMING CHANGES REFLECTING THE RESTRUCTURING OF VICTIM SERVICES ALL GENERALLY RELATING TO THE NEWLY CREATED OFFICE OF THE ATTORNEY GENERAL, SOUTH CAROLINA CRIME VICTIM SERVICES DIVISION, DEPARTMENT OF CRIME VICTIM SERVICES TRAINING, PROVIDER CERTIFICATION, AND STATISTICAL ANALYSIS AND ITS RESPONSIBILITIES, AND TO MAKE CONFORMING CHANGES TO THE VICTIM SERVICES COORDINATING COUNCIL AND TO PROVIDE THAT THE DIRECTOR OF THE SOUTH CAROLINA CRIME VICTIM SERVICES DIVISION SHALL SERVE AS CHAIRPERSON; TO AMEND ARTICLE 16, CHAPTER 3, TITLE 16, RELATING TO THE CRIME VICTIMS' OMBUDSMAN OF THE OFFICE OF THE GOVERNOR, SO AS TO RENAME THE ARTICLE "CRIME VICTIM OMBUDSMAN", TO MAKE CONFORMING CHANGES REFLECTING THE RESTRUCTURING OF VICTIM SERVICES ALL GENERALLY RELATING TO THE NEWLY CREATED OFFICE OF THE ATTORNEY GENERAL, SOUTH CAROLINA CRIME VICTIM SERVICES DIVISION, DEPARTMENT OF CRIME VICTIM OMBUDSMAN AND ITS RESPONSIBILITIES, AND TO PROVIDE A PROCEDURE FOR COMPLAINTS REGARDING THE OFFICE OF THE ATTORNEY GENERAL, SOUTH CAROLINA

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CRIME VICTIM SERVICES DIVISION AND ITS AFFILIATED DEPARTMENTS TO BE HANDLED THROUGH THE OMBUDSMAN WITH APPEAL TO THE STATE INSPECTOR GENERAL; BY ADDING ARTICLE 12 TO CHAPTER 3, TITLE 16, SO AS TO ENTITLE THE ARTICLE "CRIME VICTIM ASSISTANCE GRANTS", AND TO PROVIDE THAT THE OFFICE OF THE ATTORNEY GENERAL, SOUTH CAROLINA CRIME VICTIM SERVICES DIVISION, DEPARTMENT OF CRIME VICTIM ASSISTANCE GRANTS WILL BE RUN BY A DEPUTY DIRECTOR WHO SHALL ESTABLISH A PROCESS TO SOLICIT AND ADMINISTER CERTAIN VICTIM SERVICES GRANTS AND THE DISBURSEMENT OF FUNDS FROM THOSE GRANTS; TO AMEND SECTIONS 23-6-500, 23-6-510, AND 23-6-520, ALL RELATING TO THE SOUTH CAROLINA PUBLIC SAFETY COORDINATING COUNCIL, ALL SO AS TO MAKE CONFORMING CHANGES TO INCLUDE THE OFFICE OF THE ATTORNEY GENERAL, SOUTH CAROLINA CRIME VICTIM SERVICES DIVISION, DEPARTMENT OF CRIME VICTIM ASSISTANCE GRANTS TO THE GRANT PROCESS UNDER CERTAIN CIRCUMSTANCES, AND TO REVISE THE COUNCIL'S MEMBERSHIP TO INCLUDE THE ATTORNEY GENERAL AND A VICTIM WITH A DOCUMENTED HISTORY OF VICTIMIZATION APPOINTED BY THE ATTORNEY GENERAL; TO AMEND SECTION 16-15-445, RELATING TO THE SEIZURE AND FORFEITURE OF EQUIPMENT USED IN VIOLATION OF A CRIME, SECTION 24-3-40, AS AMENDED, RELATING TO THE PRISON INDUSTRIES PROGRAM AND DISTRIBUTION OF PRISONER WAGES, AND SECTION 63-19-480, RELATING TO THE DEPARTMENT OF JUVENILE JUSTICE AND THE DISTRIBUTION OF JUVENILE WAGES, ALL SO AS TO MAKE CONFORMING CHANGES REFLECTING THE RESTRUCTURING OF VICTIM SERVICES GENERALLY RELATING TO THE VICTIM COMPENSATION FUND; TO AMEND SECTIONS 14-1-206, 14-1-207, AND 14-1-208, ALL RELATING TO THE DISTRIBUTION OF CERTAIN FILING FEES, ALL SO AS TO MAKE CONFORMING CHANGES REFLECTING THE RESTRUCTURING OF VICTIM SERVICES GENERALLY, AND TO PROVIDE FOR THE UNIFORM SUPPLEMENTAL SCHEDULE FORM TO BE DEVELOPED BY THE OFFICE OF THE ATTORNEY GENERAL, SOUTH CAROLINA CRIME VICTIM SERVICES DIVISION; AND BY ADDING

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SECTIONS 14-1-211.5 AND 14-1-211.6 SO AS TO CODIFY EXISTING BUDGET PROVISOS RELATING TO THE DISTRIBUTION OF CERTAIN CRIME VICTIM FUNDS, AND TO REQUIRE THE DEPARTMENT OF CRIME VICTIM ASSISTANCE GRANTS TO OFFER TRAINING AND ASSISTANCE ON THE USE OF CERTAIN FUNDS AND PROVIDE FOR AUDITING AND REPORTING PROCEDURES FOR VICTIM SERVICES PROVIDERS, RESPECTIVELY.

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(R127, S. 662) -- Senators J. Matthews and Hutto: AN ACT TO CONSOLIDATE THE SCHOOL DISTRICTS IN ORANGEBURG COUNTY INTO ONE SCHOOL DISTRICT TO BE KNOWN AS THE ORANGEBURG COUNTY SCHOOL DISTRICT; TO PROVIDE FOR THE ORDERLY TRANSITION TO A SINGLE SCHOOL DISTRICT; TO PROVIDE FOR THE MEMBERSHIP OF THE BOARD OF TRUSTEES, ITS ELECTION, POWERS, AND DUTIES; TO PROVIDE THAT A DISTRICT SUPERINTENDENT IS THE CHIEF OPERATING OFFICER OF THE DISTRICT AND IS RESPONSIBLE TO THE BOARD FOR THE PROPER ADMINISTRATION OF ALL AFFAIRS OF THE DISTRICT AND SUBJECT TO ALL OTHER PROVISIONS OF LAW RELATING TO HIS DUTIES.

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(R128, H. 3720) -- Ways and Means Committee: AN ACT TO MAKE APPROPRIATIONS AND TO PROVIDE REVENUES TO MEET THE ORDINARY EXPENSES OF STATE GOVERNMENT FOR THE FISCAL YEAR BEGINNING JULY 1, 2017, TO REGULATE THE EXPENDITURE OF SUCH FUNDS, AND TO FURTHER PROVIDE FOR THE OPERATION OF STATE GOVERNMENT DURING THIS FISCAL YEAR AND FOR OTHER PURPOSES.

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(R129, H. 3721) -- Ways and Means Committee: A JOINT RESOLUTION TO APPROPRIATE MONIES FROM THE CAPITAL RESERVE FUND FOR FISCAL YEAR 2016-2017, AND TO ALLOW UNEXPENDED FUNDS APPROPRIATED TO BE CARRIED FORWARD TO SUCCEEDING FISCAL YEARS AND EXPENDED FOR THE SAME PURPOSES.

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(R130, H. 3969) -- Reps. Felder and Allison: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-18-1940 SO AS TO PROVIDE THE EDUCATION OVERSIGHT COMMITTEE SHALL DESIGN AND PILOT CERTAIN DISTRICT ACCOUNTABILITY MODELS THAT FOCUS ON COMPETENCY-BASED EDUCATION; BY ADDING SECTION 59-18-1950 SO AS TO PROVIDE FOR THE ESTABLISHMENT OF A STATE LONGITUDINAL DATA SYSTEM FOR MEASURING THE CONTINUOUS IMPROVEMENT OF PUBLIC EDUCATION AND THE COLLEGE READINESS AND CAREER READINESS OF PUBLIC SCHOOL GRADUATES, AND TO PROVIDE RELATED FINDINGS; BY ADDING SECTION 59-18-1960 SO AS TO PROVIDE THE MEASURING OF STUDENT PROGRESS OR GROWTH USING A VALUE-ADDED SYSTEM; TO AMEND SECTION 59-18-100, AS AMENDED, RELATING TO THE PURPOSE OF THE ACCOUNTABILITY SYSTEM IN THE EDUCATION ACCOUNTABILITY ACT, SO AS TO PROVIDE ADDITIONAL PURPOSES CONCERNING THE PROFILE OF THE SOUTH CAROLINA GRADUATE; TO AMEND SECTION 59-18-120, AS AMENDED, RELATING TO DEFINITIONS IN THE EDUCATION ACCOUNTABILITY ACT, SO AS TO REVISE AND ADD DEFINED TERMS; TO AMEND SECTION 59-18-310, AS AMENDED, RELATING TO THE STATEWIDE ASSESSMENT PROGRAM FOR MEASURING STUDENT PERFORMANCE, SO AS TO DELETE OBSOLETE LANGUAGE AND TO DELETE PROVISIONS CONCERNING THE TIMING FOR ADMINISTERING CERTAIN ASSESSMENTS; TO AMEND SECTION 59-18-320, AS AMENDED, RELATING TO THE ADMINISTRATION OF CERTAIN STATEWIDE STANDARDS-BASED ASSESSMENTS, SO AS TO DELETE OBSOLETE PROVISIONS CONCERNING THE NO CHILD LEFT BEHIND ACT, AND TO DELETE PROVISIONS CONCERNING PERFORMANCE LEVEL RESULTS IN VARIOUS CORE SUBJECT AREAS; TO AMEND SECTION 59-18-325, AS AMENDED, RELATING TO COLLEGE AND CAREER READINESS SUMMATIVE ASSESSMENTS, SO AS TO REVISE PROCUREMENT AND ADMINISTRATION PROVISIONS AND THE TIME AFTER WHICH RESULTS OF SUCH ASSESSMENTS MAY BE INCLUDED IN SCHOOL RATINGS; TO AMEND SECTION 59-18-340, AS AMENDED, RELATING TO THE

MANDATORY PROVISION OF STATE-FUNDED ASSESSMENTS, SO AS TO DELETE ONE SUCH ASSESSMENT AND INCLUDE TWO ADDITIONAL ASSESSMENTS; TO AMEND SECTION 59-18-360, AS AMENDED, RELATING TO ASSESSMENT REPORTS, SO AS TO REVISE DEADLINES; TO AMEND SECTION 59-18-900, AS AMENDED, RELATING TO THE COMPREHENSIVE ANNUAL REPORT CARD FOR SCHOOLS, SO AS TO PROVIDE IT IS WEB-BASED, TO REVISE THE PURPOSES OF THE REPORT CARD, TO REVISE AND DEFINE CATEGORIES OF ACADEMIC PERFORMANCE RATINGS, TO PROVIDE THE SAME CATEGORIES ALSO MUST BE ASSIGNED TO INDIVIDUAL INDICATORS USED TO MEASURE SCHOOL PERFORMANCE, TO MAKE THE USE OF STUDENT SCORES IN CALCULATING SCHOOL RATINGS BE OPTIONAL INSTEAD OF MANDATORY, TO DELETE STUDENT PERFORMANCE LEVELS, TO PROVIDE THE REPORT CARD MUST INCLUDE INDICATORS THAT MEET FEDERAL LAW REQUIREMENTS, TO INCLUDE DROPOUT RETENTION DATA AND ACCESS TO TECHNOLOGY AMONG THE TYPES OF INFORMATION THAT SHOULD BE INCLUDED IN REPORT CARDS, AND TO REVISE REQUIREMENTS FOR RELATED SCHOOL IMPROVEMENT COUNCIL REPORTS; TO AMEND SECTION 59-18-910, AS AMENDED, RELATING TO COMPREHENSIVE CYCLICAL REVIEWS OF THE ACCOUNTABILITY SYSTEM, SO AS TO REQUIRE THE INCLUSION OF CERTAIN RECOMMENDATIONS DETERMINING THE READINESS OF GRADUATING STUDENTS IN CERTAIN CATEGORIES RELATED TO THE PROFILE OF THE SOUTH CAROLINA GRADUATE; TO AMEND SECTION 59-18-920, AS AMENDED, RELATING TO CHARTER SCHOOLS, SO AS TO PROVIDE DATA REQUIRED OF A CHARTER SCHOOL MAY BE USED TO DEVELOP A RATING OF THE SCHOOL, TO DELETE EXISTING PROVISIONS CONCERNING THE CHARTER SCHOOL RATINGS, TO DELETE PROVISIONS PROHIBITING USE OF CHARTER SCHOOL STUDENT PERFORMANCE IN A DISTRICT'S OVERALL PERFORMANCE RATINGS; TO AMEND SECTION 59-18-930, AS AMENDED, RELATING TO THE REQUIREMENT THAT THE DEPARTMENT ANNUALLY ISSUE AN EXECUTIVE SUMMARY OF THE REPORT CARD, SO AS TO PROVIDE THE DEPARTMENT INSTEAD MAY PUBLISH THE REPORT ON ITS WEBSITE IN A CERTAIN MANNER, AND TO

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PROVIDE CERTAIN NATIONAL ASSESSMENT SCORES MAY BE INCLUDED; AND TO REPEAL SECTION 59-18-950 RELATING TO CRITERIA FOR SCHOOL DISTRICT AND HIGH SCHOOL RATINGS.

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MOTION ADOPTED

On motion of Senator JOHNSON, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Leroy "Bird" Johnson of Manning, S.C. Mr. Johnson lived a long and fulfilling life surrounded by family and friends that loved him dearly.

ADJOURNMENT

At 5:04 P.M., on motion of Senator LEATHERMAN, the Senate adjourned under the provisions of the *Sine Die* Resolution.

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