



South Carolina House of Representatives

Legislative Update

James H. "Jay" Lucas, Speaker of the House

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HOUSE WEEK IN REVIEW

The House of Representatives approved and sent the Senate H.4941, a bill establishing a statewide program for **ADDRESSING UNSOUND SCHOOL DISTRICT FINANCES**. Under the legislation, the State Department of Education is to work with district superintendents and finance officers to develop and adopt a statewide program with guidelines for: (1) identifying fiscal practices and budgetary conditions that, if uncorrected, could compromise the fiscal integrity of a school district; and (2) advising districts that demonstrate these financial problems on the corrective actions that should be taken. The department must establish three escalating levels of fiscal and budgetary concern so that the State Superintendent of Education can declare a 'fiscal watch', a 'fiscal caution', and a 'fiscal emergency' with regard to school district finances. The succeeding levels of budgetary concern carry increasingly stringent requirements for school district recovery plans, audits, and inspections as well as more intensive technical support from the state department. Should a school district's finances warrant the most severe level of concern prompting the State Superintendent of Education to declare a 'fiscal emergency', provisions are included in the legislation for the State Department of Education to promulgate emergency regulations to preclude a default on any type of debt and prevent further decline in the district's finances.

The House amended, approved, and sent the Senate H.4940, a bill that provides in statute for the **OFFICE OF TRANSFORMATION** within the State Department of Education. As directed by the State Superintendent of Education, the Office of Transformation provides technical assistance, such as diagnostic reviews of school operations and academics, to underperforming schools and districts with ratings of below average or at risk on annual school report cards or with the lowest percentages of students meeting state standards on state assessments or with the lowest high school graduation rates.

The House approved and sent the Senate H.4701, the "**SECOND AMENDMENT PRESERVATION ACT**". The legislation provides that the state of South Carolina shall not enforce any federal law, rule, or regulation that took effect after January 1, 2016, that limits the right of a person to own, possess, or use a firearm, ammunition, or firearm accessories and shall not accept any federal funds or expend any state funds to enforce any federal law, rule, or regulation that took effect after January 1, 2016, that requires firearms to be registered or confiscated.

The House amended and gave second reading approval to H.4542, the "**EXPERIMENTAL HEALTH CARE TREATMENT LAW**" which provides authorization for physicians to prescribe certain promising experimental treatments to an eligible patient who has considered all available approved treatments for an advanced illness that has been medically determined to be irreversible and, without life-sustaining measures, likely to result in death within six months. The provisions apply only to an investigational drug, biological product, or device that has successfully completed phase one of an FDA-approved clinical trial but remains under further investigation in federal clinical trials and has not yet been approved for general use by the U.S. Food and Drug Administration.

The House amended, approved, and sent the Senate **H.4413**, a bill revising **SAFE HAVENS FOR ABANDONED BABIES** provisions that designate locations, such as hospitals, police stations, and fire stations, where someone may leave an infant under certain circumstances without criminal penalty. The legislation requires all such locations to post a notice on the premises that prominently displays to the public that the facility, agency, or other location is a designated safe haven at which a person may leave an infant. The legislation also provides that the safe haven provisions apply to infants who are no more than one hundred eighty days old rather than the current standard of no more than thirty days old.

The House concurred in Senate amendments to **H.3251** and enrolled the bill for ratification. In response to a maternal death rate in South Carolina that exceeds the national average, the legislation establishes the **MATERNAL MORBIDITY AND MORTALITY REVIEW COMMITTEE** under the Department of Health and Environmental Control to review maternal deaths and develop strategies for their prevention. Reports from this multidisciplinary committee must be distributed to the General Assembly, the Director of the Department of Health and Environmental Control, health care providers and facilities, key governmental agencies, and others necessary to reduce the maternal death rate. Committee members shall serve without compensation or reimbursement for expenses.

The House concurred in Senate amendments to **H.3972**, relating to the **TRANSFER OF UNDEVELOPED REAL PROPERTY**, and enrolled the bill for ratification. The legislation provides that the submission of a land development plan or land use plan is not a prerequisite and must not be required before the execution of a deed transferring undeveloped real property. A local governmental entity may still require the grantee to file a plat at the time the deed is recorded.

The House approved **S.975** and enrolled the bill for ratification. The legislation authorizes the **REAPPOINTMENT OF THE CHAIRMAN OF THE WORKERS' COMPENSATION COMMISSION** by the Governor so that the chairman is allowed to serve consecutive terms.

The House amended approved, and sent the Senate **H.4943**, a bill the issuance of **DEER HUNTING TAGS** for in-state residents and non-residents. This new tagging system does not revise game zones or seasons, but it does include requirements for hunters to tag every deer taken in the state. The legislation provides for the Department of Natural Resources to issue eight doe day specific tags and three buck tags with the purchase of a South Carolina hunting license and big game permit for in-state residents. Hunters (including youth and gratis licensees) will have the option to purchase two additional buck (with four points on one side or a minimum 12-inch antler spread) tags at \$5 each and/or four additional doe tags at \$5 each. All funds collected from the two additional buck tags sales will go into a Coyote Management Program. With the purchase of a hunting license and big game permit, non-resident hunters will pay \$50 for the first purchased antlered tag and \$20 for each additional antlered tag (with a maximum purchase of four tags of which two must have size restriction). There is a \$10 charge for each antlerless tag purchased. The legislation provides for antlerless and antlered deer limits to be two doe taken per day and two bucks taken per day. The Department of Natural Resources to provide a report of a four-year study by July 1, 2022, to the Chairman of the Senate Fish, Game and Forestry Committee and the Chairman of the House Agriculture, Natural Resources and Environmental Affairs

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Committee on such issues as the status of state's the white-tailed deer population and a review of the tagging program. As part of its Coyote Management Program, DNR is directed to develop and implement a coyote tagging and bounty program. The department must tag and release no less than three coyotes in each of the four game zones and apply a bounty of not less than one thousand dollars per tagged coyote. The department must neuter any coyote before it is released.

The House amended, approved, and sent the Senate **H.4876**, a bill revising various fishing provisions that impose catch limits and size limits for **STRIPED BASS**.

The House approved and sent the Senate **H.4717**, a bill that responds to the unprecedented damage of the October 2015 floods by creating the "**SOUTH CAROLINA FARM AID FUND**" to assist farmers in order to prevent the economic collapse of many of the state's farms which could cause a severe disruption in the state's economy and food supply chain.

The House amended, approved, and sent the Senate **H.4537**, a bill codifying provisions for an **INCOME TAX CREDIT FOR CONTRIBUTIONS TO A SCHOLARSHIP FUNDING ORGANIZATION THAT PROVIDES TUITION GRANTS FOR EXCEPTIONAL NEEDS STUDENTS TO ATTEND INDEPENDENT SCHOOLS**, including religious institutions and other eligible private schools. The legislation takes the initiative, which has been authorized by general appropriations acts since 2013, out of the year-by-year temporary law of budget provisos and places it in the ongoing law of state statutes. The legislation also accommodates graduation certificates for special needs students and revises eligibility criteria to ensure that a school must actually offer programs and resources specially designed to accommodate the exceptional needs of the student in order for the tax credit and tuition grant provisions to apply.

The House returned **S.1076** to the Senate with amendments. The legislation provides that **AN INDIVIDUAL DOES NOT NEED TO APPLY FOR A PERMIT TO DREDGE A MANMADE, PREDOMINATELY ARMORED, RECREATIONAL USE OR ESSENTIAL ACCESS CANAL**.

The House approved and sent the Senate **H.4743**, a bill to provide that the land owned and managed by the Conestee Foundation, Incorporated, a private nonprofit conservation organization, located in Greenville County, and known as **LAKE CONESTEE NATURE PARK IS DECLARED TO BE A WILDLIFE SANCTUARY** for the protection and conservation of game, songbirds, waterfowl, fish, amphibians, other animals, and plant life.

The House approved **S.1002**, a bill revising the boundaries of the **MURRELL'S INLET-GARDEN CITY FIRE DISTRICT**, and enrolled the legislation for ratification.

The House adopted and sent the Senate **H.4846**, a concurrent resolution **URGING THE GOVERNING BODIES OF ANDERSON AND OCONEE COUNTIES TO DISSOLVE THEIR THIRTY-TWO YEAR OLD AGREEMENT TO HAVE ONE MASTER-IN-EQUITY TO SERVE BOTH COUNTIES** and to establish a master-in-equity court in each county in light of the population increases that the area has experienced.

HOUSE COMMITTEE ACTION

JUDICIARY

The House Judiciary Committee met on March 1, 2016, and favorably reported out several bills:

H.3989 DISABLED PERSONS RIGHT TO PARENT ACT Protects the parenting rights of persons with disabilities. Establishes requirements and safeguards in child custody, child protection, and probate guardianship proceedings. Prevents people with disabilities from being denied their right to parent, or have custody of, children. Prohibits child placing agencies, adoption service providers, and assisted reproductive technology service providers from denying disabled people access to services. Requires assessments, and evaluations, of certain people with disabilities in probate and family court proceedings. Considers ways to accommodate disabilities to better enable disabled persons to parent a child adequately. Requires consideration of a parent's or legal guardian's disability to **avoid** the removal of the child as well as preserve or reunify a family. Allows access to adaptive parenting equipment, instruction on adaptive parenting techniques, and reasonable accommodations with regard to accessing services that are available to nondisabled parents or legal guardians. Reasonable efforts must be individualized based on the specific needs of the parent's or legal guardian's disability.

H.4124 LAW ENFORCEMENT OFFICERS AT MENTAL HEALTH FACILITIES Substitutes the term 'law enforcement officer' for the term 'marshal' and 'Department of Mental Health' for the term 'Mental Health Commission' to reflect current Department operations. Allows law enforcement officers to arrest suspects committing disorderly conduct or trespass at state mental health facilities.

H.4535 OBSOLETE LAWS REPEALED Repeals outdated SC Code Sections relating to a challenge to fight, service as a second in a fight, seduction under promise of marriage, adultery, fornication, adventuring in lotteries, the unlawful operating a public dance hall on Sundays, unlawful work on Sundays, the prohibited sale of certain items on Sundays, the prohibition of removing railroad lines from towns with more than five hundred people, the unlawful removal of hand or lever cars from tracks and leaving them near crossings, and the prohibition on minors being able to play pinball. The repeal or amendment of any law by this act does not affect any pending actions, rights, duties, or liabilities.

The Committee also reported out favorably, with amendments, **H.4510 FOSTER HOMES** This bill would allow foster homes to provide full-time care for up to eight [8] children, with up to five [5] of them being foster children. The exceptions to this maximum number include keeping a sibling group together, allowing children to remain in their home community, returning a child to a home that was a previous placement for them, complying with a court order, and any placement in the best interest of the child.

H.4944 MANDATORY MUNICIPAL GENERAL ELECTIONS Changes existing law to require Municipal General Elections even if only one person has filed for a municipal office; and no one has declared a write-in candidacy for the vacant municipal seat.

BILLS INTRODUCED IN THE HOUSE THIS WEEK

AGRICULTURE, NATURAL RESOURCES AND ENVIRONMENTAL AFFAIRS

S.788 “*MANAGED TIDAL IMPOUNDMENT PRESERVATION ACT*”

Sen. Campsen

This bill enacts the “Managed Tidal Impoundment Preservation Act”. The bill exempts property that is deemed eligible under a United States Army Corp of Engineers’ general permit from permitting requirements in certain circumstances and granting enforcement authority to the Coastal Division of the South Carolina Department of Health and Environmental Control.

EDUCATION AND PUBLIC WORKS

**H.5021 *ADULT STUDENTS WITH DISABILITIES EDUCATIONAL RIGHTS
CONSENT ACT* Rep. Collins**

This bill enacts the “Adult Students with Disabilities Educational Rights Consent Act” by providing procedures and policies through which students who are eligible for special education under the Individuals with Disabilities Act and who have not been determined to be incapacitated in probate court may be identified as unable to provide informed consent with respect to his educational program and delegate the authority to make such decisions to an agent or representative.

H.5024 *READING AND LITERACY TEACHERS* Rep. Clary

This bill requires that before the 2016-2017 school year, the state Department of Education shall provide all reading/literacy coaches and literacy teachers with training on dyslexia, including evidence-based dyslexia screening, instructional methods, and interventions.

JUDICIARY

S.626 *PROPERTY TAX EXEMPTIONS* Sen. Gregory

Amends SC Code Section 12-37-220 (B) to add subsection (52) and exempt 80% of the fair market value of a renewable energy resources for a period of ten consecutive years. To qualify, the property has to be operational after property tax year 2012 and before property tax year 2021. It also exempts renewable energy generation property for residential use.

H.5025 LAW ENFORCEMENT CONTINUING EDUCATION/MENTAL HEALTH TRAINING Rep. Hamilton

Adds the definitions of “crisis intervention team” and “technical assistance center council” to SC Code Section 23-23-10. New Code Section 23-23-55 requires class 1-LE law enforcement officers to complete continuing law enforcement education credits [CLEEC] in mental health or addictive disorders. The law enforcement training council must provide guidelines for an exemption from this requirement. Amends Code Section 23-23-80, to provide that the law enforcement training council establish a Technical Assistance Center Council, maintain a crisis intervention training center, and supervise crisis intervention team training. It also creates a crisis intervention training council, and requires every county to establish at least one crisis intervention team.

H.5035 COST RECOVERY FOR ANIMAL CONTROL SEIZURES Rep. McCoy

Creates new SC Code Section 47-1-145 to be known as the “Provisions for Cost of Animal Care Act.” It will allow custodians of an animal taken into custody-- due to civil or criminal violations by its owner-- to petition the court for expenses related to providing care to the animal. Establishes procedures for hearing such petitions. Courts would be able to set a renewable bond for the funds necessary to provide the care for an animal taken into custody for thirty days under certain criteria. Orders for funds would automatically renew if the custodian files an affidavit with the court stating that the case against the defendant has not been resolved. Courts could order defendants to deposit the funds with the court and to provide that if the funds are not deposited within five business days, the animal is forfeited to the custodian. Allows defendants to recover custody of the animal if the court makes a final determination in their favor and satisfies all outstanding obligations concerning court-ordered deposits for the care of the animal. Anyone failing to pay these funds would forfeit their ownership rights to the animal. Custodians could seek placement of the animal before the expiration of the thirty-day period if the court makes a final determination of the charges against any defendant owner. Under an amended SC Code Section 47-1-130, relating to cruelty to animals, agents of the South Carolina Society for the Prevention of Cruelty to Animals, or any other society duly incorporated for that purpose, could assist with a lawful investigation pursuant to the provisions of this chapter. New language to SC Code Section 47-1-140, would remove provisions that had previously allowed liens to be held by law enforcement officers for animal care expenses.

H.5036 IMPERSONATING A LICENSED LAWYER Rep. Goldfinch

Amends the SC Code of Laws to add new Section 16-17-770 that would create the offense of impersonating a lawyer. Establishes a graduated scale of penalties from a misdemeanor for a first offense to a felony for third and subsequent offenses.

H.5037 ABSENTEE BALLOTING Rep. Quinn

Revises SC Code Section 7-15-385, regarding absentee voting and marking of ballots. Eliminates authorizing another person to return an absentee ballot. Eliminates the requirement that an absentee ballot applicant’s oath on the return envelope would have to be witnessed.

**H.5038 CONCEALED WEAPONS ON GOVERNMENT PROPERTY
Rep. Nanney**

Amends SC Code Section 23-31-240 regarding concealed weapon permits to also add elected state or local officials, and county or city administrators,--- who possesses a

valid concealed weapons permit--- to the list of persons allowed to carry a concealable weapon on property owned or possessed by the state or local governmental entity.

H.5039 *PROCUREMENT OFFICIALS TO FILE STATEMENTS OF ECONOMIC INTEREST* Rep. Hardee

Modifies SC Code Section 8-13-1110 to require state or local public officials, public members, or public employees --who directly participate in procurement or competitive purchasing processes, or who are directly involved with post-award contractual matters-- to file a statement of economic interests.

H.5041 *PAROLE, PARDON, OR CLEMENCY HEARING TESTIMONY* Rep. Rutherford

Revises SC Code Section 24-21-50 to require all testimony presented at parole hearings to be taken under oath. Potential parolees being considered for parole [or their counsel] would be granted the right to confront any witnesses who appear before the board during any hearing.

LABOR, COMMERCE AND INDUSTRY

H.5022 *MUNICIPAL LICENSE FEES AND TAXES IN INSURANCE LAW* Rep. Sandifer

This bill revises provisions relating to municipal license fees and taxes in insurance law, so as to distinguish between license fees and taxes municipalities may levy and collect for risks located within and outside the municipality.

H.5023 *REAL ESTATE APPRAISER LICENSE AND CERTIFICATION ACT REVISIONS* Rep. Sottile

This bill makes revisions to the South Carolina Real Estate Appraiser License and Certification Act. The legislation eliminates and revises certain definitions of the act. The legislation revises exceptions to the provisions that establish the activities that require licensure as a real estate appraiser. The legislation makes revisions to miscellaneous requirements for licenses, certifications, and permits issued by the South Carolina Real Estate Appraisers Board, so as to revise requirements concerning expired and revoked licenses, certifications, and permits. The legislation eliminates a requirement that certain fees be paid by certified funds. The legislation revises provisions relating to investigations of complaints and violations, so as to eliminate the six-month limit on stays and supersedeas of certain board orders pending appeal, and to provide parties aggrieved by final decisions of the board may appeal pursuant to the Administrative Procedures Act. The legislation revises provisions relating to the effective time of certain orders of the board, so as to eliminate a provision stating petitions for review do not operate as supersedeas or stays.

H.5040 *CONSUMER PROTECTION CODE REVISIONS* Rep. Mack

This bill makes various revisions to the application and enforcement of the Consumer Protection Code.

WAYS AND MEANS

H.5034 CHARITABLE BINGO GAME REVISIONS Rep. White

This bill requires the Department of Revenue to establish an informational charitable bingo webpage on its website. The legislation redefines 'building' under the definitions of the Bingo Tax Act. The legislation revises provisions relating to applications for a bingo license by nonprofit organizations and promoters, so as to extend the time by which the department must respond. The legislation makes revisions relating to the manner of playing bingo, so as to provide the manner in which certain devices must be operated. The legislation revises procedures applicable to the conduct of bingo, so as to increase the allowance for promotions. The legislation revises provisions relating to the operation of bingo games, so as to exclude certain raffles. The legislation revises provisions relating to bingo checking and savings accounts, so as to allow the promoter to make certain contributions and to allow for electronic payments. The legislation revises provisions for the distribution of bingo revenues, so to increase the percentage that is distributed to charity.

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