



South Carolina House of Representatives

Legislative Update

ROBERT W. HARRELL, JR., Speaker of the House

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HOUSE WEEK IN REVIEW

The House of Representatives amended, approved, and sent to the Senate **H.4652**, a bill providing for **RIGHT TO WORK LAW ENHANCEMENTS**. The legislation authorizes notifications that may be posted in workplaces in order to inform employees of South Carolina's laws guaranteeing that a person's right to work must not be denied or abridged because of membership or nonmembership in a labor union or labor organization. The legislation prohibits state and local government contracts from including project labor agreements which require that unionized labor comprise a percentage of the workforce on a project. A governmental unit is prohibited from making the award of a contract, grant, tax abatement, or tax credit conditional upon the adherence to a collective bargaining agreement or the refusal to enter into a collective bargaining agreement. The legislation establishes requirements for a labor organization to file reports concerning its finances and governance with the Department of Labor, Licensing and Regulation. The legislation requires signed written or electronic authorization from an employee in order for labor organization membership dues to be deducted from wages and allows the employee to rescind this authorization at any time. The legislation revises criminal penalties for a violation of right to work laws by increasing the minimum fine from ten dollars to one thousand dollars and the maximum fine from one thousand dollars to ten thousand dollars. The legislation authorizes the award of treble damages as a remedy available to a worker for a violation of his right to work. An individual seeking relief from a court for a violation of his right to work must state the legal and factual basis for his claim through an affidavit filed with the director of the Department of Labor, Licensing and Regulation. The legislation increases from one hundred dollars to ten thousand dollars the maximum civil penalty that the Department of Labor, Licensing and Regulation may assess an employer, labor organization, or other person for a right to work violation.

The House concurred in Senate amendments to **H.4636** and enrolled the bill for ratification. The legislation establishes the **BLUE ALERT PROGRAM** within the South Carolina Law Enforcement Division (SLED) as a means of rapidly disseminating information to assist in apprehending a suspect who allegedly kills, seriously injures, or abducts a law enforcement officer. The program is designed to make use of the Amber Alert infrastructure established for the rapid recovery of missing and abducted children, including messages to motorists posted on South Carolina Department of Transportation electronic traffic signs and releases to broadcast media, to distribute timely information that can help locate a fleeing suspect who poses a serious public safety threat.

The House concurred in Senate amendments to **H.4627** and enrolled the legislation for ratification. This joint resolution addresses the actions taken by the South Carolina Department of Health and Environmental Control to allow **DREDGING IN THE SAVANNAH RIVER** that would make a portion of the waterway suitable for navigation by large ocean-going container or commerce vessels so that a new maritime port facility may be constructed in Georgia. Through the joint resolution the General Assembly, exercising its exclusive authority to suspend laws granted under Section 7, Article I of the South Carolina Constitution, suspends the authority of the South Carolina Department of Health and Environmental Control for all decisions subsequent to 2007 related to all matters pertaining to the navigability, depth, dredging, wastewater and sludge disposal, and related collateral issues concerning the South Carolina portion of

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the Savannah River as a waterway for ocean-going container or commerce vessels, in particular the approval by DHEC of the application of the United States Army Corps of Engineers for a Construction in Navigable Waters Permit for the dredging of the South Carolina portion of the Savannah River, because the authority of the Savannah River Maritime Commission, as established by Act 56 of 2007, superseded DHEC's responsibilities for such approval and DHEC's approval could present imminent and irreversible public health and environmental concerns for the South Carolina portion of the Savannah River. Under the joint resolution, DHEC retains its authority for all matters pertaining to the Savannah River that are unrelated to these issues.

The House concurred in Senate amendments to **H.3630** and enrolled the bill for ratification. The legislation revises provisions for the **SALE OF WINE BY A LICENSED WINERY LOCATED IN SOUTH CAROLINA** by eliminating the requirement that a majority of the juice used in the wine produced onsite be derived from fruit or berries grown in this state.

The House amended, approved, and sent to the Senate **H.4463**, a bill relating to the **TRANSFER OF CRIMINAL CASES** from general sessions court to magistrates or municipal court. The legislation clarifies the types of cases that may be transferred includes criminal cases originally charged and those in which the charges are reduced for purposes of a guilty plea. The legislation allows an objection to be made to the chief judge for administrative purposes in the judicial circuit where the charges are pending, and it allows the defendant to waive certain rights. The legislation deletes factors a judge may consider in granting the petition for transfer; it also deletes provisions relating to the chief judge for administrative purposes for the court of general sessions retaining administrative supervision of cases.

The House amended, approved, and sent to the Senate **H.3248**. Relating to the **STATUTE OF LIMITATIONS FOR PROSECUTING CERTAIN ETHICS VIOLATIONS**, this legislation provides that in the case of a public official, public member, or public employee who is alleged to have violated ethics provisions, a prosecution may also be commenced within three years after the person leaves public office or employment.

The House amended Senate amendments to **H.3506**, which revises **ECONOMIC DEVELOPMENT PROVISIONS**, and returned the bill to the Senate. This legislation expands eligibility of the job tax credit for technology intensive facilities to include research and development in biotechnology and research and development in physical, engineering, and life sciences. The legislation revises provisions relating to the tax credit for infrastructure improvements for water, wastewater, hydrogen fuel, sewer, gas, steam, electric energy, and communication services, so as to include certain site preparation costs within the definition of infrastructure improvements which give rise to the credit. The legislation specifies that the duration of a fee in lieu of tax arrangement is for a maximum of thirty years rather than for thirty years outright.

A conference committee was appointed to address differences with the Senate on **H.3124**, the **OMNIBUS SPECIAL LICENSE PLATE BILL**.

HOUSE COMMITTEE ACTION

EDUCATION AND PUBLIC WORKS

The full Education and Public Works Committee met on Thursday, February 9, and reported out four bills.

H.4690 received a favorable recommendation from the full committee. This legislation enacts the “**JASON FLATT ACT**”. This legislation provides that the Department of Education shall require two hours of training in **YOUTH SUICIDE AWARENESS AND PREVENTION** as a requirement for the renewal of credentials for individuals employed in middle schools and high schools. The department is required to develop guidelines for training and materials that may be used by schools and school districts; school districts may approve training materials for training their employees. This training requirement may be satisfied through self review of suicide prevention materials. No person shall have a cause of action for any loss or damage caused by any act or omission resulting from the implementation of the provisions or resulting from any training, or lack of training, required by these provisions unless the loss or damage was caused by wilful or wanton misconduct. The training, or lack of training, required by these provisions must not be construed to impose any specific duty of care.

The full committee gave a favorable with amendment report to **H.3390**. Relating to **PETITIONING A COURT TO ABANDON OR CLOSE A STREET, ROAD, OR HIGHWAY**, this legislation provides that notice of intention to file a petition must be posted along the street, road, or highway subject to the approval of the location of the posting by the governmental entity responsible for maintenance of the street, road, or highway. The Department of Transportation shall promulgate regulations to establish the minimum mandatory size, language, and specific positioning of the posted signage.

The Education and Public Works Committee gave a favorable with amendment recommendation to **H.3558**. This legislation requires institutions of higher education which receive state funding, either directly or indirectly, including but not limited to state scholarships or grants to **ALLOW STUDENTS TO COMPLETE ASSIGNMENTS OR TAKE MAKE-UP EXAMINATIONS WHEN AN ABSENCE IS CAUSED BY ATTENDING OR PARTICIPATING IN MILITARY SERVICE, DUTY, TRAINING, OR DISASTER RELIEF EFFORTS**.

H.4451, legislation which **PROHIBITS FORMS OF ELECTRONIC MESSAGING WHILE OPERATING A VEHICLE**, received a favorable with amendment report from the Education and Public Works Committee. This legislation is also commonly referred to as the **DISTRACTED DRIVING BILL**. This legislation provides that a person may not use an electronic communication device to compose, send, or read an electronic message while operating a motor vehicle on a roadway. This does not apply to a person operating a vehicle while: (1) off the traveled portion of the roadway; (2) using an electronic communication device in hands-free, voice-activated, or voice-operated mode; (3) activating or deactivating an electronic communications device or an internal feature or function of the device not associated with electronic messaging; (4) summoning medical or other emergency assistance; (5) an operator of a commercial motor vehicle reading a message displayed on a permanently installed communications

device designed for a commercial motor vehicle with a screen that does not exceed ten inches tall by ten inches wide inside; or (6) a law enforcement officer, firefighter, emergency medical technician, or other public safety official while in the performance of the person's official duties. Violations that do not result in great bodily injury or death are misdemeanors; the penalty includes a fine of not more than \$100, a \$25 surcharge to the Trauma Care Fund, and two points assessed against the violator's driver's license. For violations causing great bodily injury or death, the legislation provides for the misdemeanor offense of improper use of an electronic communications device while operating a vehicle. Upon conviction for this offense, the legislation provides for the following penalty: a fine of not more than \$500, a \$100 surcharge to the Trauma Care Fund if a fine is imposed, or imprisonment for not more than three years, or both the fine and imprisonment. Convictions for the misdemeanor offense of improper use of an electronic device while operating a vehicle shall result in driver's license suspension for one year when great bodily injury occurs and two years in the case of death. The legislation specifically preempts local ordinances, regulations and resolutions regarding persons using hand-held and hands-free wireless communication devices while operating motor vehicles on the public streets and highways of this State.

JUDICIARY

The full Judiciary Committee met on Tuesday, February 7, and reported out three bills.

H.4043 received a favorable with amendment recommendation. This legislation makes revisions pertaining to the **DISQUALIFICATION FROM BENEFITS BY THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE (DEW)**. The legislation requires a person who is offered a pre-employment drug test and either refuses to take the test or fails the test to be treated as though that person has refused an offer of suitable work; the person must be disqualified from continued unemployment insurance benefits. The legislation offers immunity from liability to employers who disclose to DEW drug test results, and it requires employers to disclose those results prior to being granted that immunity. Additionally, the legislation removes the word "criminal" from two of the for cause reasons for separating a person from employment then denying benefits; this lowers the burden of proof from a criminal burden to preponderance of the evidence burden. Also, the legislation deletes references to employee insubordination and employee wilful neglect of duty directly related to the employee's employment being described in an applicable written job description.

H.4625, relating to the **DEPARTMENT OF TRANSPORTATION**, received a favorable with amendment report from the full Judiciary Committee. Highlights of the legislation include the following.

Governing Authority of the Department of Transportation

This legislation provides that the governing authority of the Department of Transportation is a Secretary of Transportation appointed by the Governor with the advice and consent of the Senate; the secretary serves at the pleasure of the Governor. The legislation deletes current provisions which provide that the governing body of the department is a seven member commission.

Department of Transportation Advisory Panel

The legislation provides that the Governor shall appoint, with the advice and consent of the Senate, seventeen members to serve as the Department of Transportation Advisory Panel. Members shall serve terms coterminous with that of the appointing Governor and vacancies must be filled in the manner of original appointment. The panel must be comprised of a resident of each of the sixteen judicial circuits, and the chairman of the panel must be appointed by the Governor from the state at large. The panel shall meet, at a minimum, once per month with the secretary to assist with the prioritization and selection of infrastructure projects throughout the State.

Ranking and Prioritization of Projects

Among other duties, the legislation provides that the secretary is responsible for the development of a statewide multimodal transportation plan and the prioritization of projects in that plan according to certain criteria. The secretary shall utilize the priority list developed in the statewide multimodal plan for selecting projects for inclusion into the statewide transportation improvement program. The statewide transportation improvement program must be divided into certain improvement categories.

The legislation requires the secretary annually to provide the Governor and the General Assembly a priority listing of all federal-aid eligible projects, within their respective statewide transportation improvement program funding category, in accordance with ranking category. The objective and quantifiable criteria must be consistent with federal guidelines and eligibility requirements. The annual statewide transportation improvement program funding allocations must be based on anticipated funding levels according to the most current federal transportation act and adjusted each year through a congressionally approved federal appropriations act, continuing resolution, or other congressional action.

The legislation also requires the secretary annually to provide the Governor and the General Assembly a priority listing within each category of all state-funded projects in accordance with the ranking category. Prior to submission, district engineers must review the state funded maintenance and construction projects to be included in the state funded program within their respective districts. The annual budget for the state funded program must be based on anticipated state source revenues.

The General Assembly may not select or alter the priority of projects submitted by the secretary.

All projects and operations of the department, including the statewide transportation improvement program, are to be funded and administered according to appropriate categories. Projects that exceed twenty million dollars total cost or involve work in more than one transportation district must be individually authorized and appropriated by the General Assembly in the annual appropriations act.

The ranking criteria must be based on certain elements outlined in statute.

Conforming Changes

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The legislation makes changes to other provisions to reflect the change in the governing authority of the agency.

The Judiciary Committee gave a favorable with amendment report to **H.3918**. This comprehensive legislation updates and modernizes statutes pertaining to the **DIVISION OF AERONAUTICS**. Among other things, the legislation codifies a proviso moving the division from the Department of Commerce to the Budget and Control Board; updates definitions and rules relating to the division so as to conform them with the Federal Aviation Administration; and restructures the Aeronautics Commission to reflect the new seventh congressional district.

BILLS INTRODUCED IN THE HOUSE THIS WEEK

AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

S.1085 REVISION OF ORGANIZATION AND FUNCTION OF WATERSHED CONSERVATION DISTRICTS - YORK COUNTY Sen. Hayes

This bill adds that the Digital Hydrologic Map prepared by the Service Center Agencies of the United States Department of Agriculture of the Fishing Creek Watershed District in York County is declared to be the boundaries of the district.

EDUCATION AND PUBLIC WORKS

S.1143 OFFICIAL CIVIL WAR ERA HISTORIC DRIVING TRAILS OF SOUTH CAROLINA Sen. Verdin

This legislation establishes the South Carolina Civil War Heritage Trails as the official civil war era historic driving trails of South Carolina. This legislation permits South Carolina Civil War Heritage Trails to consult with the South Carolina Civil War Sesquicentennial Advisory Board and the Department of Archives and History concerning the planning, development, establishment, maintenance, and marketing of the trails. The legislation encourages the Department of Transportation to work with South Carolina Civil War Heritage Trails concerning the placement of signs adjacent to the state highway system, and it encourages the appropriate government agencies to cooperate with South Carolina Civil War Heritage Trails concerning educational and marketing materials.

H.4727 COMPULSORY ATTENDANCE REQUIREMENT IN SCHOOLS Rep. Govan

This legislation increases from seventeen to eighteen the age of the child at which a parent or guardian no longer has responsibility to cause the child to attend school.

H.4733 PLANTERSVILLE SCENIC BYWAY Rep. Anderson

This legislation designates certain highways in Georgetown County as the Plantersville Scenic Byway, subject to regulations of the Department of Transportation and the South Carolina Scenic Highways Committee.

H.4743 SPECIAL LICENSE PLATES ISSUED TO WARTIME DISABLED VETERANS Rep. Lucas

This legislation provides that a veteran is required to provide a new certification of disability at the time a new license plate is issued if the Department of Motor Vehicles does not have a prior notice that the veteran is totally and permanently disabled. Relating to license plates issued to handicapped persons, the legislation revises the definition of the term "handicapped" to include a determination by the Social Security Administration or the Department of Veterans Affairs certifying that the veteran is totally and permanently disabled.

H.4751 VETERAN STATUS DESIGNATION ON DRIVER'S LICENSE AND SPECIAL IDENTIFICATION CARD Rep. J. E. Smith

Upon an individual's request, proof of eligibility and payment of appropriate fee, this legislation allows the Department of Motor Vehicles to include a veteran status designation on a driver's license or special identification card.

H.4761 FARM TRUCKS Rep. Hiott

This legislation defines a farm truck as a truck used exclusively by the owner for agricultural, horticultural, dairying, livestock, and poultry operations and includes transporting farm processed horticultural products, including soil amendments and mulches owned by the truck's owner or another person, including first market. However, farm trucks with an empty weight of less than twenty-six thousand and one pounds may be used for ordinary domestic purposes and general transportation, but must not be used to transport persons or property for hire. This legislation provides that certain commercial motor vehicles and farm trucks are exempt from certain federal motor carrier safety laws and regulations. Relating to fees for farm truck licenses, the legislation revises the weight requirements for farm trucks that may be used for domestic purposes and general transportation but may not be used to transport persons or property for hire. This legislation provides that the transport police division has the exclusive authority to enforce the commercial motor vehicle carrier laws. Relating to the registration of certain vehicles, this legislation provides that certain farm trucks are not required to have the name of the registered owner, lessor, or lessee marked on the vehicle.

H.4764 STUDENT WITH TEN UNEXCUSED ABSENCES MAY IN CERTAIN CIRCUMSTANCES TAKE A KNOWLEDGE-BASED TEST FOR REINSTATEMENT IN THE COURSE Rep. Putnam

If a student has more than ten unexcused absences in any particular course required for high school graduation or required for promotion to the next higher grade, this legislation provides that upon the recommendation of the teacher of the course to the principal of the school and in the principal's sole discretion, the student may be administered a knowledge-based test of the course curriculum to date prepared by the teacher pursuant to the course syllabus. If the student successfully passes that test, the student must be reinstated in the course as a student in good standing with all unexcused absences to date waived.

H.4773 BOARD OF TRUSTEES OF THE SPECIAL SCHOOL OF SCIENCE AND MATHEMATICS Rep. Bingham

This legislation revises the membership of the Board of Trustees of the Special School of Science and Mathematics and deletes provisions which do not permit certain members to be voting members.

JUDICIARY

S.1014 QUALIFICATIONS FOR CANDIDATES FOR CORONER Sen. Knots

This legislation relates to qualifications required for candidates for coroner. It requires that persons who qualify for the ballot by means of experience qualifications to have attained that experience in the ten years before filing an affidavit of candidacy. It eliminates two years experience as a licensed private detective as a qualification for the

ballot. The legislation further provides that the Coroners Training Advisory Committee shall determine those forensic science degree and certification programs that qualify as "recognized" for purposes of the training requirements required for candidates for coroner.

S.1056 SYNTHETIC MARIJUANA AND OTHER SYNTHETIC DRUGS AND CHANGES TO SCHEDULES OF CONTROLLED SUBSTANCES BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
Sen. Peeler

The legislation adds numerous materials, chemical compounds, mixtures and preparations, including those commonly known as bath salts, spice, and K2, to the list of Schedule I controlled substances, which are unlawful for members of the general public to purchase, sell, distribute, manufacture, or possess. Relating to the manner in which changes to schedules of controlled substances may be made by the Department of Health and Environmental Control, this legislation provides that the department must consider whether the substance has an accepted or recognized medical use when making a recommendation to the General Assembly about adding a substance to a schedule. The addition, deletion or rescheduling of a substance by the department has the full force of law unless overturned by the General Assembly. The legislation requires the department to provide copies of changes to the chairmen of the Senate and House Judiciary Committees (current law already provides for the notification to certain other chairmen) as well as post schedules on the department's website indicating the changes and specifying the effective date the change. The legislation also provides for a specific time frame for a meeting of the South Carolina Board of Health and Environmental Control if a change is made with regards to a substance pursuant to federal law or regulation. When changes are made pursuant to federal law or regulation, the legislation requires notification of changes to certain committee chairmen in the Senate and House as well the department to post the changes and specify the effective date of the changes on the department's website. The department's addition, deletion or rescheduling of a substance as a controlled substance is not subject to certain promulgation requirements.

H.4728 RELIEF FOR CHALLENGING THE PUBLIC DISPLAY OF A RELIGIOUS SYMBOL ON PUBLIC PROPERTY Rep. G. R. Smith

This legislation provides that a person challenging the public display of a religious symbol on public property may only seek appropriate injunctive relief. It clarifies that no other remedies or damages are recoverable, including attorney's fees.

H.4737 FAMILY COURT MAY ORDER DEFERRED DISMISSAL AND PLACE A CHILD ON PROBATION IN CERTAIN CASES Rep. Harrison

This legislation provides if a child, who previously has not been adjudicated delinquent for a criminal offense, enters a guilty plea or no contest to a crime other than a Class A or B felony or a violent crime, the court, without entering an adjudication of delinquency and with the consent of the child and his or her attorney, may defer further proceedings and place the child on probation, upon terms and conditions as the court orders. Probation must be for a specified period and may expire before but not on or after the child's eighteenth birthday. Upon fulfillment of the terms and conditions of probation, the court shall issue an order dismissing the proceedings. The court may order deferred dismissal only one time for a child. A child who has successfully completed the terms and conditions of his deferred dismissal and has had an order of dismissal entered must not be viewed thereafter under any provision of law or by any individual or entity to be

guilty of perjury or otherwise giving false statement by reason of failing to recite or acknowledge that he had been taken into custody for, charged with, adjudicated delinquent for, or placed on probation for this offense in response to any inquiry made of that person for any reason or purpose.

H.4738 ALIMONY Rep. Govan

This legislation provides that alimony is terminable on "cohabitation", rather than on "continued cohabitation" of the supported spouse. The legislation defines "cohabitation" as a committed, exclusive relationship for an aggregate of 90 days, and it provides factors that the court may consider in determining whether cohabitation exists. Relating to the modification, confirmation, or termination of alimony, this legislation provides that upon the motion of a party to a judgment of divorce, the court shall conduct a hearing to determine if the retirement of the supporting spouse constitutes a change of circumstances for the purpose of alimony payments. The legislation provides factors for the court to consider in making this determination.

H.4740 MATTERS EXEMPT FROM THE SOUTH CAROLINA FREEDOM OF INFORMATION ACT Rep. Murphy

Relating to matters exempt from the South Carolina Freedom of Information Act, this legislation exempts information to be used in a prospective law enforcement action or criminal prosecution. This legislation add victims and witnesses to a list of those whose potential for harm by release of certain law enforcement records renders those records exempt. This legislation exempts the work product and related privileged communications of prosecutors, and it makes technical corrections.

H.4744 HEARINGS AND PROCEEDINGS BEFORE THE ADMINISTRATIVE LAW COURT Rep. Hardwick

Relating to hearings and proceedings before the South Carolina Administrative Law Court, this legislation provides that a request for a contested case hearing for an agency order does not stay the order. The legislation deletes provisions allowing certain stays, and it provides a party to a contested case before the court may seek an injunction of an action authorized by an agency order. The legislation requires the court to hold a hearing for a determination of a motion seeking an injunction of an agency order within a specified period, and it makes technical corrections. Relating to the coastal management program, this legislation limits the scope of the department's review of certain federal, state, and local permits and licenses.

H.4756 DEPARTMENT OF TRANSPORTATION Rep. McLeod

This legislation relates to the duties, responsibilities, election, and appointment of the Department of Transportation commissioners. It provides that commissioners must be appointed by the Governor from each judicial circuit with the advice and consent of the Senate instead of being screened by a screening committee and elected by the members of the General Assembly from their respective congressional districts. The legislation provides that the Governor's at-large appointee must be appointed with the advice and consent of the Senate. The legislation further provides that a member of the General Assembly or a member of his immediate family may not be appointed to the commission for a period of one year after the member ceases to be a member of the General Assembly or fails to file for election to the General Assembly. The legislation also repeals certain code sections relating to the members of the General Assembly meeting to elect commissioners, and the powers, duties, and compensation of the Joint Transportation Review Committee.

H.4757 PROHIBITION ON PROVIDING CERTAIN ASSISTANCE IN INVESTIGATING, PROSECUTING OR DETAINMENT OF A UNITED STATES CITIZEN IN VIOLATION OF THE STATE CONSTITUTION

Rep. Pitts

This legislation prohibits a department, division, agency, board, or other instrumentality or political subdivision of the state, its officers or employees, including members of the South Carolina National Guard or state militia, from assisting the Armed Forces of the United States, or an agency of it, in the investigation, prosecution, or detainment of a United States citizen in violation of the Constitution of this State.

H.4758 JURY COMMISSIONERS Rep. Johnson

This legislation relates to jury commissioners for the purpose of the summoning of jurors in circuit court; it deletes references to jury commissioners and allows the clerk of court or the deputy clerk to perform the function of drawing and summoning jurors.

H.4759 GUBERNATORIAL APPOINTEES Rep. Funderburk

This legislation provides that a gubernatorial appointee to the governing board, commission, or council of a state agency, department, or institution of higher education may not serve more than 60 days in a holdover capacity following the expiration of the member's appointed term of office.

H.4760 GROUNDS FOR DIVORCE Rep. McLeod

Relating to grounds for divorce, this legislation provides that a divorce may be granted on the ground of continuous separation for 150 days, rather than for one year.

H.4762 PROPOSED AMENDMENT TO THE STATE CONSTITUTION RELATING TO GROUNDS FOR DIVORCE Rep. McLeod

This legislation proposes to amend the State Constitution so as to provide that a divorce may be granted on the ground of continuous separation for 150 days, rather than for one year. The proposed amendment must be submitted to the qualified electors at the next election for representatives.

H.4766 "SOUTH CAROLINA BENEFIT CORPORATION ACT" Rep. Stringer

This legislation enacts the "South Carolina Benefit Corporation Act" which permits a corporation to elect as a corporate purpose the providing of certain public benefits without subjecting the corporation or its directors to liability or derivative suit except for specified reasons.

H.4771 MUNICIPAL ORDINANCES REGARDING UNFIT DWELLINGS

Rep. Battle

This legislation relates to the provisions permitted to be included in municipal ordinances regarding unfit dwellings; it allows for a priority of a lien established under an ordinance relating to unfit dwellings and corrects archaic language.

H.4772 PEREMPTORY CHALLENGES Rep. Pope

A peremptory challenge is the right to challenge a juror without assigning, or being required to assign, a reason to the challenge. This legislation equalizes the number of peremptory challenges for the defendant and the State in a criminal case.

LABOR, COMMERCE AND INDUSTRY

H.4745 “ARCHITECTS’ AND ENGINEERS’ VOLUNTEER ACT” Rep. Bingham

This bill enacts the “Architects’ and Engineers’ Volunteer Act” to provide immunity from legal liability for a registered architect or engineer who voluntarily, without compensation, provides structural, electrical, mechanical, or other engineering or architectural services at the scene of a declared national, state, or local emergency caused by a major earthquake, hurricane, tornado, fire, explosion, collapse, or other similar disaster or catastrophic event at the request of a public official, law enforcement official, public safety official, or building inspection official

H.4763 *PRENEED FUNERAL CONTRACTS* Rep. Sandifer

This bill further provides for the term of a preneed funeral contract license and requires that each license renewal application be accompanied by a fee of one hundred dollars for the Department of Consumer Affairs to use for administration. If, however, the Preneed Loss Reimbursement Fund reaches a balance of one hundred thousand dollars or less, the department must use up to fifty dollars of each renewal fee to replenish the fund. The legislation revises penalties for preneed funeral contract law violations by providing that the misdemeanor offense applies to violations where the amount of money obtained or sought to be obtained is less than five thousand dollars. A felony offense is created to apply to violations involving at least five thousand dollars which carries a fine of five thousand to twenty thousand dollars and/or imprisonment for up to ten years, together with payment of prosecution costs.

MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

H.4739 *LIFEGUARDS AT SWIMMING POOLS* Rep. Henderson

The legislation specifies the number of lifeguards, based on the number of square footage and the number of patrons, that a public swimming pool operated by the state or a political subdivision of the state, must have as a condition of obtaining and maintaining an operating permit. The legislation does exclude pools at water parks from these lifeguard requirements.

H.4750 *EMERGENCY MEDICAL CARE AND EMERGENCY PROVIDER DEFINITIONS* Rep. Long

The bill revises the definition of “Emergency Medical Care” and “Emergency Medical Provider” to include the transportation of a patient to a hospital emergency facility by an emergency medical service provider.

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