



South Carolina House of Representatives

# Legislative Update

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

---

Vol. 32

January 27, 2015

No. 03

## CONTENTS

HOUSE WEEK IN REVIEW .....	02
HOUSE COMMITTEE ACTION .....	03
BILLS INTRODUCED IN THE HOUSE THIS WEEK .....	04

***NOTE: THESE SUMMARIES ARE PREPARED BY THE STAFF OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES AND ARE NOT THE EXPRESSION OF THE LEGISLATION'S SPONSOR(S) OR THE HOUSE OF REPRESENTATIVES. THEY ARE STRICTLY FOR THE INTERNAL USE AND BENEFIT OF MEMBERS OF THE HOUSE OF REPRESENTATIVES AND ARE NOT TO BE CONSTRUED BY A COURT OF LAW AS AN EXPRESSION OF LEGISLATIVE INTENT.***

# HOUSE WEEK IN REVIEW

The House of Representatives approved and sent the Senate **H.3345**, a joint resolution authorizing the adoption of **REVISED CODE VOLUMES** 13 and 15 so that numerous statutory revisions may be incorporated into these printed volumes of the South Carolina Code of Laws.

The House and the Senate adopted **S.345**, a concurrent resolution requesting that the Department of Transportation and the Department of Natural Resources **RENAME THE JAMES R. METTS LANDING ON THE SALUDA RIVER** in Lexington County the Hope Ferry Landing.

The House adopted and sent the Senate **H.3284**, a concurrent resolution memorializing the South Carolina Congressional Delegation to support legislation to ensure that **HARBOR MAINTENANCE TRUST FUND** revenues are appropriated in the amount equal to revenue collected, and used for its intended purpose of dredging and maintaining our nation's waterways.

The House adopted and sent the Senate **H.3389**, a concurrent resolution to express gratitude for those who stood guard both in the uniformed and covert services during the Cold War era, recognizing both their sacrifices and their role in the fall of the Soviet Union, and to recognize the importance of the victory of freedom over communism in many nations as a result of the successful conclusion of the Cold War. Through the resolution, South Carolina joins the States of Kansas and Maine in officially recognizing the first day of May as "**COLD WAR VICTORY DAY**".

The House adopted and sent the Senate **H.3387**, a concurrent resolution to celebrate the unique American dance form called the shag, since 1984 the official state dance of South Carolina, and declare **2015 THE "YEAR OF THE SHAG DANCE"** in the Palmetto State.

The House adopted and sent the Senate **H.3055**, a concurrent resolution requesting that the Department of Transportation name a portion of United States Highway 17 in Charleston County "**THE SWEETGRASS SKYWAY**".

The House adopted and sent the Senate **H.3054**, a concurrent resolution to urge federal, state, and local governments, along with churches and neighborhood associations, to accelerate their **EFFORTS TO ASSIST THE HOMELESS** in light of the nation's economy and adverse weather conditions.

# HOUSE COMMITTEE ACTION

## JUDICIARY

The House Judiciary Committee met on January 20, 2015. The full committee gave a favorable recommendation to **H.3187**. This bill more directly relates the definitions of party committee, legislative caucus committee, and noncandidate committee so as to encompass their central purpose: the opposition or support of the nomination, election or defeat of either one or more candidates or of a ballot measure.

The full committee gave a favorable recommendation to **H.3188** which limits and restricts campaign contributions and independent expenditures. It adds the prohibition on contributions to a candidate from a noncandidate committee “directly or indirectly established, financed, maintained, or controlled by a candidate or public official or any other entity maintained by or affiliated with a candidate or public official.” The provision does not apply to legislative caucus committees or political parties nor does it prohibit a candidate or public official from making a contribution of their personal funds to a candidate for another office.

The Judiciary Committee favorably reported out **H.3184** with an amendment. **H.3184** amends the membership and duties of the State Ethics Commission to be composed of four members appointed by the Governor, four members elected by the Supreme Court, two members elected by the Senate, and two members elected by the House of Representatives. It also delineates those not eligible to be appointed as members. **H.3184** provides the process for investigating and disposing of complaints alleging violations of the state Ethics Act. The bill changes law in that any hearing held by the Ethics Commission or the House or Senate Ethics Committee after a finding of probable cause would be required to be held in open session. Section 2 (A) removes the General Assembly member and staff exception. Further in the bill, the Commission has jurisdiction to receive complaints and make investigations into state judges, judicial officers, and judicial staff. Subsequent sections require that any complaints filed with, or initiated by, the House or Senate Ethics Committee must be referred to the State Ethics Commission for investigation. The bill establishes the investigation process at the Commission.

**H.3184** also covers complaints regarding the fifty-day period before an election; advisory opinions; and complaints against Judges, with directions on how to proceed. The amendment adopted by the Judiciary Committee essentially combines **H.3184** and **H.3185** as they both deal with enforcement. **H.3185** placed parts of the existing ethics law to the criminal section of the code (with a range of violations ranging from misdemeanors to felonies) and clarifies and expands the remedies for breaches of ethical standards - from reprimands to civil penalties. **H.3184** as amended adds a wilful standard so as to make only wilful violations subject to criminal penalties. Wilful would mean that the act is intentional or knowing, as opposed to inadvertent.

## **BILLS INTRODUCED IN THE HOUSE THIS WEEK**

### **AGRICULTURE, NATURAL RESOURCES AND**

## ENVIRONMENTAL AFFAIRS

### **H.3351 INSPECTIONS OF PONDS, STREAMS AND SIMILAR WATERS**

**Rep. M. S. McLeod**

The Department of Health and Environmental Control shall develop and implement an inspection plan to ensure that every landowner that has a pond, stream, or similar body of water upon their lands is maintaining the body of water in compliance with all applicable federal, state, and local laws. If the body of water is not in compliance, then the department shall notify the landowner and the landowner has ten days to remedy the noncompliance.

### **H.3378 PERMITTING REQUIREMENTS FOR CRITICAL AREAS**

**Rep. Herbkersman**

This bill grants the South Carolina Department of Health and Environmental Control sole authority in granting emergency orders over a beach or dune critical area. In addition, it establishes guidelines for the use of sandbags in these areas.

### **H.3393 MIGRATORY HUNT AND CONSERVATION STAMP**

**Rep. Lowe**

This bill provides that a person shall obtain a Federal Migratory Hunting and Conservation Stamp in addition to obtaining required state hunting licenses and permits. The bill also adds that the Department of Natural Resources may contract with the US Fish and Wildlife Service to make a Federal Migratory Hunting and Conservation Stamp available through the license sales system of the department.

## EDUCATION AND PUBLIC WORKS

### **H.3328 DEADLINE CHANGE REGARDING "SOUTH CAROLINA READ TO SUCCEED ACT"**

**Rep. Allison**

A joint resolution to extend the deadline requiring the State Board of Education to approve the state reading proficiency plan from February 1, 2015 to June 15, 2015.

### **H.3420 VETERANS AND HIGH SCHOOL DIPLOMAS**

**Rep. Crosby**

This bill adds veterans of the eras encompassing the Korean War and the Vietnam War relating to issuance of high school diplomas to certain veterans of the United States military.

### **H.3344 TEN-POINT GRADING SCALE**

**Rep. Hayes**

This bill requires the use of a ten-point grading scale beginning with the 2015-2016 school year.

### **H.3414 UNIVERSITY OF CHARLESTON**

**Rep. Merrill**

This bill revises the requirements concerning the University of Charleston to provide that the University is a component of the College.

### **H.3402 TIME LIMIT ON TRAINS**

**Rep. Whipper**

This bill limits the time a train may block four-lane street intersections in municipalities during certain periods of time.

**H.3353 GENERAL EDUCATIONAL DEVELOPMENT CAMP PILOT PROGRAM**

**Rep. Bradley**

This joint resolution establishes beginning with the 2015-2016 school year a two-year pilot program in five specific counties to facilitate the use of General Educational Development Camps to help people obtain their General Educational Development Certificates.

**H.3373 "MANUFACTURING CAREER PATHWAY ACT OF 2015"**

**Rep. Rivers**

This bill enacts the "Manufacturing Career Pathway Act of 2015" to provide collaborative design of a career pathway for students within the manufacturing sector to connect school districts, technical colleges, vocational schools, junior colleges, and four-year institutions of higher education with adult education programs, local workforce development programs, and regional manufacturing sector partnerships in a manner to allow a student to earn income while progressing along the career pathway.

**H.3390 "SIGN LANGUAGE INTERPRETERS ACT" Rep. Allison**

This bill enacts the "Sign Language Interpreters Act" and requires a specified level of competence for sign language interpreters used by certain entities of state government, public schools, and hospital systems, and to provide sign language interpretation services to members of the public who have certain hearing and speech impairments. These changes include the Judicial Department.

**H.3392 SCHOOL DISTRICT AUDITS Rep. King**

This bill provides that the Office of Auditing Services in the State Department of Education shall conduct an audit of a school district or individual school at the request of either five members of the General Assembly or two members or more of the Board of Trustees that governs the district for which the audit is being sought, or in which the school for which the audit being sought is situated, and to provide that such an audit only may be performed every three years for an individual district or school.

## JUDICIARY

**H.3338 PERSONAL INFORMATION Rep. Rivers**

This bill requires state agencies and political subdivisions to develop and make available a process by which a nonelected official may request the removal of certain personal information available to the general public from any website maintained by the state agency or political subdivision.

**H.3342 "SAFE HARBOR FOR EXPLOITED MINORS ACT" Rep. Hardwick**

This bill enacts the "Safe Harbor for Exploited Minors Act" to provide for protection of the identity of minor victims of trafficking in persons and provide certain protections to minors charged with certain crimes involving prostitution and coerced involvement in such crimes.

**H.3346 "BAN THE BOX ACT" Rep. Rutherford**

This enacts the "Ban the Box Act" to provide that no job application may include questions related to convictions of a crime, unless the crime for which he was convicted

directly relates to the position of employment sought or the occupation for which the license is sought.

**H.3347 RESTITUTION Rep. Rutherford**

This bill provides that the Department of Probation, Parole and Pardon Services shall consider an offender's ability to make restitution when it determines the amount of an offender's monthly payment.

**H.3363 BEER AND WINE SALES Rep. Hart**

A bill to prohibit the placement of portable containers or coolers containing beer or wine near doors used for ingress or egress from a licensed established.

**H.3365 WIRELESS COMMUNICATION DEVICES Rep. Hart**

This bill provides that it is unlawful for a person to operate a motor vehicle while using a cellular telephone, pager, personal digital assistant device, or another wireless communications device that is not equipped with a hands-free mechanism.

**H.3370 CHANGES IN THE DHEC REVIEW PROCESS Rep. Pitts**

This bill eliminates the review of decisions by the Board at the Department Of Health And Environmental Control and provides for a person who has standing to seek review of a Department decision to file for review directly with the Administrative Law Court, including emergencies.

**H.3371 DHEC AND DISCHARGES Rep. Hiott**

This bill clarifies who is required to file a petition for a declaratory ruling about a proposed or existing discharge and prerequisites for filing an action for judicial review.

**H.3375 RETAIL DEALER LICENSE Rep. Cole**

This bill changes several aspects (transfer, suspension, revocation) of retail dealer licenses under certain conditions and addresses fees.

**H.3391 ZONING Rep. Ridgeway**

This bill provides that only a landowner, his or her appointed representative, or the governing body of the political subdivision which is responsible for the zoning regulations or maps pertaining to the property may apply to amend or change any zoning regulation or map relating to that property.

**H.3399 "FORFEITED LANDS EMERGENCY DEVELOPMENT ACT"  
Rep. Parks**

This bill enacts the "Forfeited Lands Emergency Development Act" to provide for the authority of county councils and forfeited land commissions to petition Legislative Delegations for the use of the special authorities when certain forfeited lands have a significant adverse effect.

**H.3400 CIVIL ACTIONS Rep. Whipper**

This bill changes the maximum amount of actual damages an employee may recover from fifteen thousand dollars to three hundred thousand dollars relating to civil actions against an employing public body for retaliation against an employee who reports a violation of state or federal law or regulation.

**H.3401 PUBLIC OFFICIALS AND THE LOTTERY Rep. Whipper**

This joint resolution proposes an amendment to the Constitution that removes the prohibition on public officials playing the lottery except for the Governor, Lieutenant Governor, other constitutional officers, members of the General Assembly, justices of the State Supreme Court, or judges of the South Carolina Court of Appeals.

**H.3403 KIDNAPPING SENTENCING Rep. Whipper**

This bill provides a person convicted of kidnapping before June 5, 1991 and sentenced to life imprisonment may petition the court for a reduction in his sentence to thirty years and the court, in its sole discretion, may reduce the sentence accordingly.

**H.3404 HATE CRIMES Rep. Whipper**

This bill provides penalties for a person convicted of a crime with the intent to assault, intimidate, or threaten a person because of his race, religion, color, sex, age, national origin, or sexual orientation.

**H.3405 MAGISTRATE JURISDICTION Rep. Whipper**

This bill provides that certain causes of action must be filed in Magistrates Court.

**H.3407 POLITICAL PARTY AFFILIATION Rep. Whipper**

This bill provides that a candidate who executes a candidacy pledge with a political party for purposes of offering for election to a particular office in that party's primary election and who is later elected to that office is required to resign this office before he may change his political party affiliation.

**H.3408 COCKFIGHTING Rep. Long**

This bill creates the additional offenses of admitting a minor or causing a minor to be admitted to a place where a cockfight, game fowl fight, or illegal game fowl testing takes place, including other aspects.

**H.3411 PENALTIES REGARDING HANDGUNS Rep. Gilliard**

This bill restructures the penalty for the unlawful carrying of a handgun and to provide a tiered penalty structure for the offense.

**H.3412 MENTAL HEALTH COURT PROGRAM Rep. Yow**

This bill establishes a mental health court program and provides for a system that diverts mentally ill offenders to appropriate treatment programs rather than incarceration.

**H.3419 PENALTIES REGARDING HANDGUNS Rep. Crosby**

This bill increases the penalty for the unlawful carrying of a handgun from one year to five years and increases the fine for a violation.

## **LABOR, COMMERCE AND INDUSTRY**

**H.3357 REQUIREMENTS FOR ELECTRICAL UTILITIES TO BURY POWER LINES IN MUNICIPALITIES Rep. Hart**

This bill requires an electrical utility operating in this state to bury all of its new electrical power transmission lines installed within the boundaries of a municipality in this state after January 2, 2016, and to bury all of its existing electrical power transmission lines

located within the boundaries of a municipality in this state according to a graduated schedule before January 1, 2023.

**H.3358 MANDATORY MINIMUM GRACE PERIOD FOR MORTGAGE PAYMENTS** Rep. Hart

This bill establishes provisions for a mandatory minimum grace period of twenty days for a mortgage payment. The provisions do not apply to a simple interest or other mortgage in which interest accrues daily.

**H.3360 MORATORIUM ON FORECLOSURE AND INTEREST ACCRUAL ON MORTGAGES SECURED BY OWNER OCCUPIED RESIDENTIAL REAL**

**ESTATE** Rep. Hart

This joint resolution establishes a six month moratorium on the foreclosure of, and the accrual of interest on, mortgages secured by owner occupied residential real estate located in this state. For that same period of time, a mortgage holder must waive the charge of interest against the debt secured by the real estate mortgage.

**H.3361 DISCLOSURE REQUIREMENTS AND LIMITATIONS ON MOTOR VEHICLE DATA RECORDING DEVICES** Rep. Hart

This bill requires a manufacturer of a new motor vehicle that is sold or leased in this state which is equipped with an event data recorder or a sensing and diagnostic module to disclose this information in the motor vehicle's owner's manual and on its window sticker. The legislation requires a company that rents a motor vehicle equipped with this device to disclose its existence in the company's rental agreement. The legislation provides that if a vehicle is equipped with a recording device that is capable of recording or transmitting certain information and that capability is part of a subscription service, the fact that the information may be recorded or transmitted must be disclosed in the subscription service agreement. The legislation restricts the use of certain data obtained by a recording device.

**H.3364 REQUIREMENT FOR AT LEAST THIRTY PERCENT OF A MORTGAGE PAYMENT TO BE APPLIED TOWARD THE PRINCIPAL BALANCE OF THE LOAN** Rep. Hart

This bill provides that, notwithstanding another provision of law or contract, when a mortgagee makes a payment on a loan secured by a mortgage, the mortgagor shall apply at least thirty percent of the payment received toward the principal balance of the loan secured by the mortgage. A penalty is established for a violation of the requirement.

**H.3376 OFF-SITE DISPLAYS OF AUTOMOBILES OR TRUCKS BY DEALERS** Rep. J. E. Smith

This bill revises provisions governing the off-site displays of automobiles or trucks by dealers by establishing provisions that allow a licensed automobile dealer or truck dealer to display automobiles or trucks off-site at nonselling display events at airports for advertising purposes.



**H.2296 WORKERS' COMPENSATION LAW EXEMPTION Rep. Sandifer**

This bill provides that an employee covered by the federal Longshore and Harbor Workers' Compensation Act, or any of its extensions, or the Merchant Marine Act is exempt from the state's workers' compensation laws.

**H.3397 "SOUTH CAROLINA EARNED PAID SICK LEAVE ACT"**

**Rep. M. S. McLeod**

This bill enacts the "South Carolina Earned Paid Sick Leave Act" to establish provisions under which private sector employees shall accrue earned paid and earned unpaid sick leave. The legislation provides that employers who have sick leave policies that exceed the legislation's provisions do not have to change those policies. The legislation revises provisions relating to sick leave for state employees, so as to: provide thirty days of sick leave annually; provide an employer shall advance up to thirty days of sick leave to an employee; provide an employee shall satisfy any leave deficit resulting from a leave advance; and, provide that state employees annually may use thirty days of sick leave to care for ill members of their immediate families.

**H.3413 "SOUTH CAROLINA TRANSPORTATION COMPANIES ACT"**

**Rep. Stavrinakis**

This bill enacts the "South Carolina Transportation Companies Act" to exclude transportation network companies and transportation network company drivers from regulation as motor vehicle carriers by the Public Service Commission or the Office of Regulatory Staff. Instead, the legislation creates a permitting process with the Office of Regulatory Staff for transportation network companies and establishes new provisions governing their operation.

## **MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS**

**H.3343 EUTHANASIA OF SHELTER ANIMALS Rep. Huggins**

The legislation revises the methods of which euthanasia is performed on animals impounded or quarantined in animal shelters.

**H.3348 FACILITIES DEALING WITH PRESCRIPTION DRUGS IN A CERTAIN CAPACITY Rep. Spires**

All facilities permitted by this State shall notify the board within ten days of receipt of any order or decision by a regulatory agency imposing disciplinary action on the facility. If the permit or registration in the state where the facility is located is suspended or revoked, then the facility's registration in South Carolina must be immediately suspended or revoked for the same period of time.

**H.3349 "SOUTH CAROLINA PHARMACY PRACTICE ACT" Rep. Spires**

This bill revises minimum compounding practices in compounding pharmacies. The bill includes that a pharmacist must perform a final check on a product compounded by a pharmacy technician. Among many things, the bill also modifies requirements for the area used for compounding.

## **WAYS AND MEANS**

**H.3337 LOCAL GOVERNMENT BUSINESS LICENSE TAXES Rep. Rivers**

This bill prohibits municipalities from imposing business license taxes and establishes provisions that require a county that imposes a business license tax to remit any collections from a business located inside the corporate limits of a municipality to the municipality in which the business is located.

**H.3339 INCOME TAX CREDITS FOR PRIVATE SCHOOL TUITION AND HOME SCHOOL EXPENSES Rep. Rivers**

This bill provides for an up to a five thousand dollar income tax credit for a parent or guardian for tuition paid to a K-12 independent school on behalf of their child. The legislation provides for an up to a five thousand dollar income tax credit for a parent or guardian who teaches a K-12 student at home for instruction-related expenses.

**H.3350 HOMESTEAD REAL PROPERTY TAX EXEMPTION FOR VOLUNTEER FIREFIGHTERS AND EMERGENCY MEDICAL SERVICES WORKERS Rep. Hayes**

This bill expands the homestead exemption on real property taxes that is provided for individuals who are at least sixty-five years old and those who are totally and permanently disabled or legally blind, so as to add an exemption for residents sixty-two and over who worked as a volunteer firefighter or volunteer emergency medical services worker in this state for at least thirty years.

**H.3359 STATE TAX CREDITS FOR HIRING THOSE RECEIVING UNEMPLOYMENT COMPENSATION BENEFITS Rep. Hart**

This bill authorizes state tax credits for employers hiring an unemployed individual receiving unemployment compensation benefits. The tax credits are allowed for eligible individuals hired after June 30, 2015, and before July 1, 2016, and extends for fifty months for each creditable employee.

**H.3362 PROPOSED CONSTITUTIONAL AMENDMENT RESCINDING REAL PROPERTY VALUATION REFORM ACT PROVISIONS Rep. Hart**

This joint resolution proposes to amend provisions of the South Carolina Constitution relating to property tax, the method of valuation of real property, and the limits on increases in the value of real property for purposes of the property tax, so as to require the General Assembly to provide by law a definition of "fair market value" for real property for purposes of the property tax, to eliminate the fifteen percent limit on increases in the value of real property over five years and to eliminate an assessable transfer of interest as an event which may change the value of the real property.

**H.3372 REPEAL OF "SOUTH CAROLINA REAL PROPERTY VALUATION REFORM ACT" Rep. Hart**

This bill repeals the "South Carolina Real Property Valuation Reform Act" with its "point of sale" valuation of real property for purposes of imposition of the property tax and largely reinstates the former systems of valuation and taxation of real property and improvements to real property.

**H.3374 STATE AID TO SUBDIVISIONS ACT REVISIONS Rep. Merrill**

This bill revises the State Aid to Subdivisions Act by: changing the name of the Local Government Fund to the Local Government Revenue Sharing Fund; eliminating the requirement that the fund receive not less than four and one-half percent of the general

fund revenues of the latest completed fiscal year; eliminating a provision regarding midyear cuts, to provide that the fund must be increased by two percent if revenues are projected to increase by at least four percent; providing that the two percent increase, if applicable, be included in all stages of the budget process; revising the distribution percentage of the fund; and, eliminating a provision requiring amendments to the State Aid to Subdivisions Act be included in separate legislation.

**H.3398 SOUTH CAROLINA COMMUNITY ECONOMIC DEVELOPMENT ACT  
EXTENSION Rep. Simrill**

This bill provides a five-year extension for the South Carolina Community Economic Development Act and Community Development Tax Credits so that these provisions are set to terminate on June 30, 2020, rather than on June 30, 2015.

**H.3410 COMMISSION ON GENERAL ASSEMBLY COMPENSATION  
Rep. Gilliard**

This bill establishes the Commission on General Assembly Compensation to be constituted biennially. Based on the commission's review, survey, and considering the input of current and former members of the General Assembly and the public, it shall determine the level of compensation, allowances, and reimbursements for expenses that are appropriate for members of the General Assembly.

---

The *Legislative Update* is on the Worldwide Web. Visit the South Carolina General Assembly Home Page (<http://www.scstatehouse.gov>) and click on "*Publications*," then click on "*Legislative Updates*." This will list all of the *Legislative Updates* by date. Click on the date you need. Also available on the website is a bill summary index, where bills referenced in one or more issues of the *Legislative*

## Legislative Update, January 27, 2015

*Update* are listed in numeric order. Links to the specific text of the *Legislative Update* issue are provided in the bill summary index.

**NOTE: THE LEGISLATIVE UPDATE IS AVAILABLE TO LEGISLATIVE TRACKING SUBSCRIBERS. YOU MAY REGISTER FOR THIS FREE SERVICE ON THE SOUTH CAROLINA GENERAL ASSEMBLY HOME PAGE BY CLICKING ON "TRACK LEGISLATION" (ON THE VERTICAL MENU BAR).**