



South Carolina House of Representatives

Legislative Update

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

Vol. 32

April 28, 2015

No. 14

CONTENTS

HOUSE WEEK IN REVIEW	02
HOUSE COMMITTEE ACTION	04
BILLS INTRODUCED IN THE HOUSE THIS WEEK	19

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 amended and gave second reading approval to **H.3025**, a bill providing **AUTHORIZATION TO CARRY A CONCEALED WEAPON WITHOUT A PERMIT**. In making its revisions, the legislation retains most of the current provisions relating to concealed weapons, including: the issuance of concealed weapons permits by the State Law Enforcement Division; the posting of notification that allows a business owner to prohibit concealed weapons on the premises; the homeowner permission required for carrying a concealed weapon into a private residence; and a list of places where concealed weapons are not allowed such as schools, daycare facilities, courthouses, and the meeting places of government bodies. The legislation incorporates within these provisions authority for someone to carry a concealed handgun lawfully in public without having to obtain a concealed weapons permit. These new provisions for carrying a concealed weapon apply only to those individuals who may legally purchase a firearm from a properly licensed and certified firearms dealer. The legislation also provides for South Carolina to honor valid out-of-state permits to carry concealable weapons that are held by residents of other states. With the adoption of these provisions for **HONORING OUT-OF-STATE CONCEALED WEAPONS PERMITS**, the legislation eliminates the current protocol for establishing CWP reciprocity with other states.

The House returned **H.3663** to the Senate with amendments. This joint resolution establishes an **INTERIM GOVERNING AUTHORITY FOR SOUTH CAROLINA STATE UNIVERSITY** in order to address the school's financial crisis and academic accreditation issues and ensure the continuing viability of the institution. The legislation removes the members of S.C. State's Board of Trustees and transfers oversight and control of the institution to a seven-member Interim Board of Trustees composed of the designees of the Governor, Treasurer, Comptroller General, Chairman of the Senate Finance Committee, Chairman of the House Ways and Means Committee, Chairman of the House Ways and Means Higher Education and Technical Colleges Subcommittee, and Chairman of the Senate Finance Higher Education Subcommittee. The Interim Board is solely responsible for the selection, periodic evaluation, and retention or termination of the university's president. The Interim Board serves up to June 30, 2018, or until the General Assembly elects a new, restructured South Carolina State University Board of Trustees whose members are to serve staggered terms in order to maintain consistency and preserve institutional knowledge.

The House amended, approved, and sent the Senate **H.3539**, a bill to provide for the "**JAMES B. EDWARDS CIVICS EDUCATION INITIATIVE**" which requires, as part of the high school curriculum United States Government required credits, that public school students take the United States citizenship civics test that the United States Citizenship and Immigration Services administers to prospective citizens to demonstrate knowledge and understanding of the fundamentals of American history and the principles and form of the United States government. Students are not required to pass this civics test, but those who do receive at least a passing grade may be recognized by the school district. Each public school, including charter schools, must report the percentage of students at or above the designated passing score on the test for inclusion on the school's report card.

The House amended, approved, and sent the Senate **H.3353**, a joint resolution to provide for a **GENERAL EDUCATIONAL DEVELOPMENT (GED) CAMP PILOT PROGRAM**. The legislation provides for the State Department of Education to establish, beginning with the 2015-2016 school year, a two-year pilot program to develop, implement, support, and monitor General Educational Development (GED) Camps that provide a volunteer-based system to assist people who do not have a high school diploma in earning their GED certificates and advancing to such personal goals as higher education, the military, or an occupation.

The House amended, approved, and sent the Senate **H.3534**, a bill **EXPANDING ELIGIBILITY FOR PARTICIPATION IN THE SOUTH CAROLINA HIGHER EDUCATION EXCELLENCE ENHANCEMENT PROGRAM** that is funded with Education Lottery proceeds for the purpose of enhancing the educational opportunities of low-income and educationally disadvantaged students. The legislation expands the criteria for institutions eligible to participate in the South Carolina Higher Education Excellence Enhancement Program so as to include: an institution that offers at least one nonsectarian program at the baccalaureate level; an institution with a predominately female enrollment; and an institution that receives Title III funding and is accredited by an accrediting organization recognized by the United States Department of Education. Provisions are included for the Commission on Higher Education to conduct an annual review of funds allocated to schools to ensure that they are being used appropriately.

The House amended, approved, and sent the Senate **H.3890**, a bill revising the authority for **FORGIVING SCHOOL DAYS MISSED BECAUSE OF SNOW, EXTREME WEATHER CONDITIONS, OR OTHER DISRUPTIONS**. Under the legislation, a local school district is authorized, through a majority vote of its board of trustees, to waive make-up requirements for up to three days missed because of snow, extreme weather conditions, or other disruptions requiring schools to close. The State Board of Education is authorized to grant waivers for up to an additional three days beyond the three days forgiven by the local school district. Currently, the forgiveness of missed school days requires an approval of some kind from the General Assembly.

The House returned **H.3877**, a joint resolution **AUTHORIZING A SCHOOL DISTRICT TO FORGIVE UP TO THREE DAYS MISSED DURING THE 2014-2015 SCHOOL YEAR DUE TO INCLEMENT WEATHER**, to the Senate with amendments. A district may not, however, grant these waivers of make-up requirements until it has exhausted all statutorily required make-up days remaining on the 2014-2015 school calendar.

The House amended and gave second reading approval to **H.3343**, a bill addressing **METHODS OF EUTHANASIA IN ANIMAL SHELTERS**. The legislation disallows the use of lethal gas for euthanasia in animal shelters and makes provisions for the use of sodium pentobarbital and other substances that are recognized by the American Veterinary Medical Association as being clinically proven to be as humane.

The House approved **S.237** and enrolled the legislation for ratification. The joint resolution provides for a continuation of the “**STUDY COMMITTEE ON EXPUNGEMENT OF CRIMINAL OFFENSES**” until December 31, 2015.

The House approved **S.376**, relating to a **COUNTY AVIATION COMMISSION OR AUTHORITY**, and enrolled the bill for ratification. The legislation makes clarifications

regarding voting and non-voting members and provides for changes and appointments of membership on a single county aviation commission or authority.

The House amended, approved, and sent the Senate **H.3304**, a bill creating the **LANDRUM FIRE AND RESCUE DISTRICT** in Greenville and Spartanburg Counties as a multi-county special purpose district.

HOUSE COMMITTEE ACTION

AGRICULTURE, NATURAL RESOURCES AND ENVIRONMENTAL AFFAIRS

The Agriculture, Natural Resources and Environmental Affairs Committee met on Wednesday, April 22, 2015, and reported out four bills.

H.3880, a bill increasing the membership from nine to ten on the **MIGRATORY WATERFOWL COMMITTEE**, was given a favorable recommendation by the full committee. The legislation outlines that the designee shall be from Delta Waterfowl of South Carolina who is not a paid employee.

The committee gave a favorable with amendment recommendation to **H.3343**, legislation revising the methods of how **EUTHANASIA OF SHELTERED ANIMALS** are performed. The legislation bans the use of gas chambers and requires the use of sodium pentobarbital or a derivative of it by intravenous injection by hypodermic needle of a lethal solution or intraperitoneal injection by hypodermic needle of lethal solution as a last resort only. The legislation also adds that in cases of extraordinary circumstance where a dog or cat poses an extreme risk or danger to the veterinarian, physician, or lay person performing euthanasia, the person is allowed the use of any other substance or procedure that is necessary to perform euthanasia on a dangerous dog or cat.

The committee gave a favorable with amendment recommendation to **H.3917**, legislation prohibiting the tattooing of **COMPANION ANIMALS**. The bill outlines that a person shall not pierce or tattoo a companion animal unless the piercing or tattooing provides for the identification of the companion animal or the piercing or tattooing provides a medical benefit to the companion animal. "Companion animal" means any animal that is kept inside a residential dwelling and any dog or cat regardless of where it is kept. The definition does not include livestock, fowl, or any wild animal.

H.3910, a bill relating to **TIDELANDS AND WETLANDS MINOR CONSTRUCTION ACTIVITIES**, was given a favorable with amendment recommendation by the committee. The bill provides for a three-year statute of limitations on enforcement violations on minor development activities. The legislation also provides exceptions when the alleged violator knowingly or intentionally withheld information regarding the alleged violation. This legislation applies to all enforcement actions pending as of January 1, 2015 and all future enforcement actions.

EDUCATION AND PUBLIC WORKS

The House Education and Public Works Committee met April 22, 2015 and passed out eleven bills.

H.3151, STUDY OF THE UNITED STATES CONSTITUTION AND FOUNDING DOCUMENTS, as amended. This bill relates to the study in public high schools and publicly-supported colleges and universities of the United States Constitution and other texts reflecting the history of the United States. All public high schools and all public institutions of higher learning shall give instruction in the essentials of the United States Constitution, the Declaration of Independence, and the Federalist Papers, including the study of American institutions and ideals, and no student in any such school or public institution of higher learning may receive a certificate of graduation without previously passing a satisfactory examination upon the provisions and principles of the United States Constitution, the Declaration of Independence, and the Federalist Papers. A listing of recommended instructional materials may be identified by the Commission on Higher Education working in conjunction with the colleges and universities. The instruction shall be for at least one year of high school and at least once during the matriculation of undergraduate students in public institutions of higher learning as part of their degree requirement. The bill removes the loyalty provision.

S.391, IN-STATE TUITION RATES FOR MILITARY PERSONNEL. This bill allows that active duty military personnel may be charged less than the undergraduate tuition rate for South Carolina residents for courses that are presented on a distance basis, regardless of residency. Also a covered individual enrolled in a public institution of higher education and receiving educational assistance are entitled to pay in-state tuition and fees without regard to the length of time the covered individual has resided in this State. Such a covered individual is defined as a veteran who served ninety days or longer on active duty in the Uniformed Service of the United States, their respective Reserve forces, and the National Guard and who enrolls within three years of discharge; or a person who is entitled to and receiving certain federal assistance by virtue of the person's relationship to the veteran. A covered individual must live in this State while enrolled at the in-state institution.

H.3560, TEACHER DISMISSAL, as amended. A teacher, receiving a notice that they will not be reemployed for the ensuing year, shall have the same notice and opportunity for a hearing provided for a teacher dismissed for cause during the school year. This bill provides that a superintendent must give written notice specifying the cause of dismissal and the teacher is given an opportunity for an evidentiary hearing. Alternative resolutions may be discussed before the notice is issued (parties to the meeting must have the option of having a representative present). A board hearing must be made available to the teacher. The board may designate a hearing officer (who must be an attorney with mediator or arbitrator certifications) to conduct a dismissal hearing and issue a report with recommendations: if the designee holds the evidentiary hearing, he shall issue a written report and recommendation containing findings of facts and conclusions of law to the board, superintendent, and teacher within fifteen days after the hearing concludes. The bill provides related requirements of a hearing officer, provides a hearing must be private unless the teacher requests in writing that the hearing be public and specifies use of a court reporter to record the proceedings, and to provide an appeals process. The teacher may be present with counsel at the hearing, and may

cross-examine witnesses may offer evidence and witnesses, and present defenses to the charges. Hearsay otherwise inadmissible under the South Carolina Rules of Evidence only may be considered if corroborated and found reliable by the board or its designee. The board retains final decision-making authority regarding the teacher dismissal or suspension recommendation based on its consideration of the record, the report and recommendation, and any written submission of the superintendent and teacher. Appeals may be made to the Administrative Law Court.

H.3512, WINTER CELEBRATIONS. This bill provides a school district may educate students about the holidays of traditional winter celebrations in a certain manner, and to provide that a school district may display certain symbols associated with these holidays on school property unless the display includes a message that encourages adherence to a particular religious belief.

S.154, INTERSCHOLASTIC ACTIVITIES. This bill provides that the State Board of Education may grant a waiver of the requirements relating to eligibility to participate in interscholastic activities if a student's ineligibility to participate in interscholastic activities is due to a long-term absence as a result of a medical condition, but the student has been medically cleared to participate or for any other reasonable circumstance as determined by the state board of education.

S.358, SUSPENSION OF VEHICULAR REQUIREMENTS. In the event of a declared state of emergency, this bill provides vehicular requirements relating to registration, permitting, length, width, weight, and load suspension for commercial and utility vehicles traveling on non-interstate routes for up to one hundred twenty days. It also adds requirements relating to time of service suspensions for commercial and utility vehicles traveling on interstate and non-interstate routes are suspended for up to thirty days.

H.3882, BUS DRIVER PHYSICAL EXAMINATIONS, as amended. This bill relates to physical examinations of school bus drivers. A school bus driver shall have a physical examination that meets the requirements of the Federal Motor Carrier Safety Regulations medical examiner. The school bus driver candidate shall provide a copy of the certification to the employing school district.

H.3794, DRIVER'S LICENSES. This bill deletes the provision that a five year driver's license is issued to a person who is at least sixty-five years of age when they renew a license. The bill also deletes the provision that requires a person to submit a vision screening certificate to the Department Of Motor Vehicles during the fifth year of a ten year driver's license. And deletes the provision that allows a person who is at least sixty-five years of age to obtain a driver's license that is valid for five years. These driver's licenses would be issued for a ten year term under this proposed legislation.

H.3911, LICENSE PLATE REISSUE. This bill revises the interval in which the Department Of Motor Vehicles must reissue a license plate from six years to ten years.

H.3926, STATE SALES TAX EXEMPTIONS. This bill adds legal manuals and educational materials generated by the Department of Motor Vehicles to the list of publications exempt from the state sales tax.

H.3549 DELTA WATERFOWL. This bill provides that the Department of Motor Vehicles may issue "Delta Waterfowl" special license plates.

JUDICIARY

The Judiciary Committee met April 21, 2015 and passed out fourteen bills.

H.3084, ABSENTEE BALLOTS, as amended, deals with the oath of the absentee ballot applicant. This bill eliminates the requirement that the absentee ballot applicant's oath be witnessed and adds a section to the bill allowing the counting of absentee ballots to begin the day before the election. Results of the tabulation must not be publicly reported until after the polls are closed the following day.

H.3154, the "**SOUTH CAROLINA UNIFORM MILITARY AND OVERSEAS ACT**", as amended, provides registration and absentee voting alternatives for certain military and overseas voters. The bill provides that in registering to vote, an overseas voter who is eligible to vote in this state must be assigned to the voting precinct of the address of the last place of residence of the voter in this state. A voter who is registered to vote in this state may apply for a military-overseas ballot using either the regular absentee ballot application or the federal postcard application or the electronic equivalent. There are provisions for a voter who is not registered to vote in this state. In order to be valid, a military-overseas ballot must be received by the appropriate local election official no later than the close of the polls. The Executive Director is responsible for implementing an electronic free access system by which a voter may know that their application and overseas ballot has been received and accepted. The bill also provides for election notice to covered voters.

H.3997, BODY CAMERAS, as amended. This bill would require the Law Enforcement Training Council to develop a pilot program for three cooperating counties and six municipalities regarding body cameras. The Council would determine which counties and municipalities, of varying populations, would participate. The Council is to consider which officers wear body cameras, the maintenance, storage and retention of data, and privacy issues related to body cameras when creating the pilot program criteria. In six months, the Council makes recommendations to the General Assembly.

H.3682, PATENTS. This bill provides that in connection with a United States patent, it is a violation of this act to send or cause any person to send any written or electronic communication that states the recipient is infringing a patent and bears liability or owes compensation under certain conditions (false threats or statements). The act provides that it is not a violation for any person who owns or has the right to license or enforce a patent to advise others of the ownership, to communicate that a patent is available for license or sale, to notify another of an infringement, or to seek compensation for an infringement, as long as it is not in bad faith. Exceptions are made for those using the patent in connection with substantial research, any institution of higher education, any technology transfer organization of an institution of higher education.

S.11, MEETING AGENDAS, as amended. The House converted the Senate bill to that of a previous House bill on the agenda issue as it passed the House in February. The amendment would require an agenda prior to a meeting and any amendment to the

agenda be posted 24 hours prior to the meeting (with notice). The amendment allows items to be added to the agenda only with a two-thirds vote of the body and a finding of an emergency.

H.3784, MASTERS IN EQUITY RETIREMENT. This bill would add Masters in Equity to the Retirement System for Judges and Solicitors of the State of South Carolina.

H.3083, OVERDOSE PREVENTION ACT, as amended. This bill creates the South Carolina Overdose Prevention Act. The Overdose Prevention Act allows healthcare professionals to administer an opioid antidote to individuals who may be at risk of an opioid overdose without being subjected to civil or criminal liability. The bill allows a healthcare professional or pharmacist acting in good faith to prescribe or dispense an opioid antidote without civil or criminal liability and allows a patient to administer an opioid antidote if the patient has received overdose information and believes in good faith that the patient is experiencing an overdose without civil or criminal liability. The amendment clarifies the role of the doctors and pharmacists. The doctor, physician assistant, or advanced practice registered nurse together referred to as “prescriber” may prescribe the antidote to someone at risk of overdose or to a caregiver. The prescriber must inform the person of how to recognize an overdose and steps to take. This instruction must be documented. If the prescriber follows the statute and acts in good faith and with reasonable care for a prescriber, then the prescriber is shielded from civil liability and criminal or professional disciplinary consequences. Pharmacists are also shielded from the same types of liability if they act in good faith and with reasonable care for a pharmacist when dispensing the antidote. A caregiver is shielded from civil and criminal liability if the person acts in good faith.

H.3979, JUDICIAL MERIT SELECTION PROCESS, as amended. This bill would amend the judicial merit selection process as the Judicial Merit Selection Commission would determine if candidates were qualified for judicial office based on constitutional requirements and fitness for office. This bill would remove the three candidate cap as all qualified candidates would be voted on by the General Assembly.

H.4012, TRANSFER ASSETS. The bill would clarify that the statute requiring a referendum vote to transfer assets does not include a lease or management agreement by the hospital public service district.

H.3766, UNIFORM INTERSTATE FAMILY SUPPORT ACT, as amended. This bill amends the Uniform Interstate Family Support Act. The bill’s changes to the law were adopted by the National Conference of Commissioners for Uniform State Laws in 2008. This bill includes changes addressing international recovery of child support and other family maintenance and determination of parentage.

H.3799, CWP RECIPROCITY. This bill would provide automatic reciprocity for holders of North Carolina or Georgia CWPs.

H.3156, UNIFORM DEPLOYED PARENTS CUSTODY AND VISITATION ACT. This bill enacts the “Uniform Deployed Parents Custody and Visitation Act” in order to address the issues of custodial responsibility when a parent in the uniformed service is being deployed. The bill provides that a court must have jurisdiction pursuant to the Uniform Child Custody Jurisdiction and Enforcement Act to issue an order under this article. The bill provides that a deploying parent shall notify the other parent of a pending

deployment within certain times after receiving notice of deployment unless reasonably prevented from doing so by the circumstances of service. After receiving notice of deployment, each parent shall, as soon as reasonably possible, provide the other parent with a plan for fulfilling that parent's share of custodial responsibility during deployment. If an existing court order prohibits disclosure of the contact information of the other parent, the notifications may be made only to the issuing court. The bill further provides that the custodial responsibilities of a deploying parent may be assigned for the duration of the deployment by a temporary agreement entered into by the parents or with the deploying parent's consent. The bill also states that after a deploying parent receives notice of deployment and during the deployment, the court may issue a temporary order granting custodial responsibilities. If a motion to grant custodial responsibility is filed before a deploying parent deploys, the court shall conduct an expedited hearing. The bill also provides how to terminate a temporary agreement or court order following the return from deployment.

H.3548, DSS AND CHILDREN OF ACTIVE MILITARY. This bill requires DSS to inform designated military authorities if a child of an active military family was abused or neglected

H.3215, ALIMONY REFORM STUDY COMMITTEE. This bill creates the Alimony Reform Study Committee, whose purpose is to study the current alimony laws of this state. This bill also provides for the committee's composition and requires the committee to prepare a report for the General Assembly.

LABOR, COMMERCE AND INDUSTRY

The Labor, Commerce and Industry Committee met on April 23 and reported out several bills.

The committee gave a report of favorable with amendments on **H.3710**, a bill providing for a **MULTIPLE LOT REAL PROPERTY TAX DISCOUNT EXTENSION**. The legislation extends the multiple lot real property tax discount that has been provided to property developers to allow for additional years of eligibility in certain circumstances so that it would apply for property tax years beginning after 2011 and before 2019.

The committee gave a favorable report on **H.3891**, a bill revising **MOTOR VEHICLE RENTAL COMPANY FEES**. The legislation replaces current provisions for motor vehicle rental company surcharges with new provisions that authorize a company renting motor vehicles to consumers under rental agreements for periods of ninety days or less to charge a vehicle license fee that is separately stated on rental contract to recover the costs that the motor vehicle rental company incurs for licensing, titling, registering, plating, and inspecting of its rental vehicles as well as taxes paid in connection with registering its rental vehicles. The legislation includes authority for rental companies to charge other separately stated fees such as airport access fees, airport concession fees, and all applicable taxes. The vehicle license fee authorized by this legislation is subject to state and local sales and use tax in the manner and to the same extent as the fee charged for the lease or rental of the rental vehicle.

The committee gave a favorable report on **H.3788**, a bill to provide for the **INCLUSION OF MOTORCYCLES WITHIN MOTOR VEHICLE EXPRESS WARRANTY PROVISIONS**. The legislation revises the definitions of the terms “motor vehicle” and a “new motor vehicle” in provisions governing the enforcement of motor vehicle express warranties to include motorcycles and certain other motorcycle three-wheel vehicles.

The committee gave a favorable report on **H.3431**, a bill **PROHIBITING LOCAL GOVERNMENTS FROM REQUIRING EMPLOYEE BENEFITS**. The legislation revises provisions relating to the scope of authority of a political subdivision to set minimum wage rates, so as to provide that a political subdivision of this state may not establish, mandate or otherwise require employee benefits, such as health benefits, disability benefits, death benefits, group accidental death and dismemberment benefits, paid days off for holidays, paid sick leave, paid vacation leave, paid personal necessity leave, retirement benefits, and profit-sharing benefits.

MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

The Medical, Military, Public and Municipal Affairs Committee met on Tuesday, April 21, 2015, and reported out one bill.

H.3851, legislation amending DHEC’s licensure requirements for **SOUTH CAROLINA BIRTHING CENTERS**, was given a favorable with amendment recommendation by the committee. The bill requires planned births to be evaluated for risk status by a member of the birth center's professional staff, i.e., a certified nurse midwife, licensed midwife, or physician. A birth center is required to have a consultant on-call physician to be available in person or via video conference. The on-call physician is to provide consultation about medial management and/or to accept transfers of mothers and babies who require care outside of the scope of the birth center.

The legislation further requires a birth center to develop a transfer policy, outlining the transfers of patients to an acute care hospital with obstetrical and newborn services. The acute care hospital must be within 45 miles of birth center. The transfer policy must include detailed plans for communication of medical history, medical providers, mode of transport, and plans for postpartum care. The bill also requires a birth center to establish an advisory committee comprised of the clinical staff and consultant on-call physicians to review transfers, practice guidelines, and policy and procedures.

There are four birth centers in South Carolina; located in Charleston, Greenville, Simpsonville, and Spartanburg. Currently, birth centers in Charleston and Spartanburg are nationally accredited. The legislation requires all birth centers in SC are to become accredited by a DHEC-approved national accrediting body.

The legislation requires birth centers to participate in data collection with a qualified national register.

WAYS AND MEANS

The Ways and Means Committee met on April 22 and reported out several bills.

The committee gave a report of favorable with amendments on **H.3250**, a bill **REVISING THE CERTIFICATE OF NEED PROGRAM** at the Department of Health and Environmental Control which requires providers of health care services, such as hospitals and nursing homes, to obtain approval for additions to, or significant expansions of, their facilities and services. The legislation includes sunset provisions that eliminate the CON Program on January 1, 2020.

The committee gave a favorable report on **H.3062**, a bill establishing a **SALES TAX EXEMPTION FOR CLOTHING DONATED TO NEEDY CHILDREN**. The legislation establishes a sales tax exemption for children's clothing sold to a private charitable organization for the sole purpose of distribution, at no cost, to needy children who are eligible for free meals under the National School Lunch Program of the United States Department of Agriculture.

The committee gave a favorable report on **H.3568**, a bill establishing a **SALES TAX EXEMPTION FOR CONSTRUCTION MATERIALS USED IN HOMES FOR THE NEEDY BY NONPROFIT ORGANIZATIONS**. This bill provides a state sales tax exemption for construction materials used by a nonprofit organization to build, rehabilitate, or repair a home for the benefit of an individual or family in need.

The committee gave a favorable report on **H.3147**, the "**SOUTH CAROLINA GIVING BACK TO OUR VETERANS ACT**" legislation that provides a South Carolina income tax deduction for all military retirement benefits attributable to active duty service in the United States Armed Forces. The deduction is gradually phased in under a three-year schedule so that a full deduction for military retirement benefits is provided for taxable years beginning after 2016.

The committee gave a favorable report on **H.3149**, a bill to provide for a ninety-day **PROPERTY TAX GRACE PERIOD FOR DEPLOYED MILITARY SERVICE MEMBERS**. The legislation requires counties, upon application of the taxpayer, to extend the date for filing returns and the payment of property taxes for persons serving with the United States Armed Forces or National Guard in or near a hazard duty zone. The deferment begins on the tax due date and ends ninety days after the last date of deployment. No interest may be charged during the deployment unless the tax is not paid within the ninety-day grace period.

The committee gave a favorable report on **H.3002**, a bill establishing the **CAPITOL POLICE FORCE**. The legislation provides for multiple authorities currently responsible for security in various jurisdictions in and around the Capitol Complex to be consolidated within a single Capitol Police Force to provide a clear chain of command in providing police protection for the State House, the capitol grounds and nearby areas, the legislative and other government buildings at the capitol, and the South Carolina Supreme Court Building, as well as for employees and visitors on the premises. The legislation creates the Capitol Police Force Committee, consisting of the Sergeant at Arms of the Senate, the Sergeant at Arms of the House of Representatives, the Marshal

of the Supreme Court, and the Director of General Services as a nonvoting member, and establishes the committee's duties, including the appointment of the newly-created position of Chief of the Capitol Police Force who serves at the pleasure of the committee. The Sergeants at Arms and Marshal retain responsibilities regarding their respective legislative and judicial chambers, offices, and meetings. Portions of the Department of Public Safety and the Bureau of Protective Services that provide security at the Capitol Complex are transferred to the new Capitol Police Force, but the consolidation excludes those responsible for protecting the Governor and gubernatorial offices and staff. The legislation establishes the authority for officers to make arrests and perform other law enforcement duties. The legislation authorizes the acceptance of grants and other revenue for funding security at the capitol, requires annual training provided by the State Law Enforcement Division, and provides for coordination with other jurisdictions in criminal investigations and other security matters.

The committee gave a report of favorable with amendments on **H.3868**, the “**WETLANDS CONSERVATION ACT**” which includes recommendations of the Isolated Wetlands and Carolina Bays Task Force. The legislation revises the conservation criteria that the South Carolina Conservation Bank uses for awarding grants and loans from its trust fund so as to add isolated wetlands and Carolina Bays as well as the acquisition, reclamation, or improvement of wetlands and their associated dikes, canals, water control structures, and water control devices on Wildlife Management Areas owned and managed by the Department of Natural Resources. The legislation discontinues the use of Conservation Bank funds for the exclusive conservation of sites of unique historical or archaeological significance and provides that up to eight and thirty-three one hundredths percent of the monies credited to the trust fund after June 30, 2015, may be devoted to the new wetlands criteria relating to DNR Wildlife Management Areas. The legislation provides that any funds collected by the South Carolina Conservation Bank in excess of the amount authorized in the annual appropriations bill must be transferred to the Department of Natural Resources for operation and management of Wildlife Management Areas. The reconfiguration of funding is offered as a means of allowing DNR to better facilitate public access to lands conserved for public use.

The committee gave a report of favorable with amendments on **H.3874**, a bill establishing provisions for a **RENEWABLE ENERGY INCOME TAX CREDIT** for a taxpayer that constructs, purchases, or leases renewable energy property located on the Environmental Protection Agency’s National Priority List, National Priority List Equivalent Sites, and related removal actions, located in the state of South Carolina. The legislation provides for an income tax credit equal to thirty-five percent of the cost, including the cost of installation, of putting into service certain solar, geothermal, biomass, wind energy, hydroelectric, and other renewable energy facilities subject to certain caps and stipulations based upon the type of facility. A sunset provision is included so that the credits will only be available through 2016.

The committee gave a favorable report on **H.3113**, a bill providing for the **INCLUSION OF ENVIRONMENTAL REMEDIATION UNDER COUNTY TAX INCREMENT FINANCING REDEVELOPMENT PROJECT COSTS**. The legislation revises redevelopment project cost provisions of the Tax Increment Financing Act for Counties so as to provide that property assembly costs also include the cost of environmental remediation.

The committee gave a report of favorable with amendments on **H.3725**, a bill **REVISING TAX CREDITS FOR THE REHABILITATION OF ABANDONED BUILDINGS AND HISTORIC STRUCTURES**. The legislation includes criteria for a state-owned abandoned building that affords tax credit eligibility for rehabilitating a building of a certain size abandoned for more than five years that was most recently owned by the State, or an agency, instrumentality, or political subdivision of the State. The legislation revises tax credit provisions for rehabilitating certified historic structures to provide that a taxpayer may elect a twenty-five percent tax credit in lieu of the current ten percent tax credit, not to exceed one million dollars for each certified historic structure. A three-year, rather than a five-year, write-off period is established for the tax credits for rehabilitation expenses of abandoned buildings and historic structures.

The committee gave a favorable report on **H.3259**, a bill providing for an **EXPANSION OF SOUTH CAROLINA RETAIL FACILITIES REVITALIZATION ACT ELIGIBILITY**. The legislation revises the South Carolina Retail Facilities Revitalization Act, so as to reduce the minimum square footage requirement for an eligible site from forty thousand square feet to twenty-five thousand square feet.

The committee gave a favorable report on **H.3152**. The legislation establishes a limit on general fund appropriations for a fiscal year set at the total amount of the general fund revenue estimate as of February 15, 2015, for fiscal year 2015-2016, increased annually and cumulatively by a percentage determined by population increases and increases in inflation as expressed by the consumer price index. A **SPENDING LIMIT RESERVE FUND** is established to receive all surplus general fund revenues in excess of the spending limit. The Spending Limit Reserve Fund must first be used to address any revenue shortfalls and then any remaining balance may be appropriated for, or used to offset revenue reductions for, the following list of priorities: temporary tax reductions; infrastructure improvements ranging from highway, rail, water, air, and other transportation facilities to basic government facilities, services, and installations such as water, sewer, and public sector communications; school buildings; school buses; and expenses incurred by the state as a result of natural or other disasters declared by the President of the United States. The legislation provides for the appropriation of fund revenues after these priorities are met and requires that appropriation of Spending Limit Reserve Fund revenues must be made by a joint resolution originating in the House of Representatives. The legislation excludes constitutional and statutory requirements from the new spending limit and provides for the limitation to be suspended for a fiscal year for a specific amount upon a special vote of the General Assembly. The legislation provides that this limit first applies for Fiscal Year 2016-2017.

The committee gave a report of favorable with amendments on **H.3027**, a bill establishing requirements for **ANNUAL STATE AGENCY REPORTS ON FEDERAL FINANCIAL ASSISTANCE**. This legislation requires that, by October thirty-first of each year, each state agency shall submit a report detailing its federal receipts and developing a plan should its federal funding be reduced. These reports must be relayed to the Governor and legislative budget-writing committees by November thirtieth. By February fifteenth of each year, the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee must place the most recently received reports on the agenda for review and consideration.

The committee gave a report of favorable with amendments on **H.3768**, a bill providing for the **“SOUTH CAROLINA ABLE SAVINGS PROGRAM”** to establish savings

accounts as a means of empowering individuals with a disability and their families to save private funds to support the individual with a disability. The legislation establishes the Savings Program Trust Fund and Savings Expense Trust Fund and provides guidelines to the State Treasurer for the maintenance of these accounts. The legislation allows for state implementation that coordinates with the federal Achieving Better Life Experience (ABLE) Act of 2014.

The committee gave a report of favorable with amendments on **H.3313**, a bill relating to the **RECLASSIFICATION OF REAL PROPERTY FOR TAX PURPOSES**. The legislation provides that, when calculating roll-back tax due on a parcel of real property changed from agricultural to commercial or residential use, the value used for platted green space or open space use of the parcel, if such use is ten percent or more of the parcel, must be valued based on the green space or open space use. The legislation provides that, after a parcel of real property has undergone an assessable transfer of interest, delinquent property tax and penalties assessed because the property was improperly classified as owner-occupied residential property while owned by the transferor are solely a personal liability of the transferor and do not constitute a lien on the property and are not enforceable against the property after the assessable transfer of interest if the transferee is a bona fide purchaser for value without notice. Under the legislation, these provisions that taxes and penalties assessed because of misclassification of real property remain the obligation of the property owner at the time of the misclassification rather than the responsibility of the buyer of the property would apply not only to property sales but also to trust distributions and property settlements in divorces.

The committee gave a favorable report on **H.3562**, a bill enacting the “**LOCAL OPTION SCHOOL OPERATING MILLAGE PROPERTY TAX CREDIT ACT**” to provide authority for a county governing body, with referendum approval, to impose a one percent sales tax the revenue of which is used to provide a credit against property tax levied in the county for school operations. The legislation provides that the tax may be rescinded by referendum initiated by a petition of fifteen percent of the qualified electors of the county or by ordinance if the governing body of the county determines that changes in state law providing for the financing of school operations make the original purpose of the tax impossible to accomplish under the existing law.

BILLS INTRODUCED IN THE HOUSE THIS WEEK

EDUCATION AND PUBLIC WORKS

H.4042 VIRTUAL LEARNING CREDIT Rep. Atwater

This bill provides that beginning with the 2017-2018 school year, successful completion of three high school-level virtual learning credit units during high school is required to graduate from an accredited high school in this state, subject to the availability of coursework providing these virtual learning credit units from implementation of the South

Carolina virtual school program upon the appropriation of funds by the General Assembly.

H.4057 SPECIAL LICENSE PLATES Rep. G. M. Smith

This bill relates to the issuance of "Distinguished Service Cross" special license plates, so as to provide that there is no fee for this special license plate.

JUDICIARY

H.4028 SEX OFFENDER REGISTRATION Rep. Corley

This bill requires sex offenders, child kidnappers, and traffickers of minors to register once a month with their county sheriff in the county where they live, own real estate, work, or attend any school. They also must verify their registration and be photographed every thirty days under certain circumstances and promptly file any change of address. It expands the locations this law covers and removes certain restrictions on local governments regarding penalties or areas where sex offenders can live.

H.4029 ALIMONY REFORM Rep. Norman

This bill proposes to create a presumption for the award of a lump-sum or reimbursement alimony payment instead of time payments of alimony or rehabilitative alimony. It also establishes guidelines for awarding, modifying, or terminating alimony eligibility. These guidelines include how to calculate award amounts, treat cohabitation, retirement, disability payments and other issues arising at, or after, the time an alimony award is made.

H.4038 DEATH BY FIRING SQUAD Rep. Putnam

This bill allows death by firing squad as an alternative to death by lethal injection as an alternative death penalty in certain circumstances.

H.4049 SCHOOL PRAYER Rep. Chumley

This bill allows public school teachers to express religious viewpoints, conduct or participate in student-led prayers, student-organized prayer groups, religious clubs, and other similar activities.

H.4050 SCHOOL PRAYER Rep. Chumley

This bill would allow public school teachers to express religious viewpoints and participate in student-led prayers, student-organized prayer groups, religious clubs, and other similar activities.

H.4052 BOARD OF TRUSTEES QUALIFICATIONS Rep. Alexander

This joint Resolution removes the requirement that people appointed or elected to serve on public college or public university governing bodies would first have to be qualified voters.

H.4053 ALCOHOL OVERDOSE BY A MINOR Rep. Smith

This bill grants immunity from prosecution for the unlawful purchase, consumption, or possession of alcohol when a person under age twenty-one, in good faith, seeks medical assistance for an alcohol-related overdose.

H.4054 PROFESSIONAL LICENSE REVOCATION FOR NONPAYMENT OF CHILD OR SPOUSAL SUPPORT Rep. Clyburn

This bill allows professional discipline, up to and including revocation of certain business, occupational, or professional licenses or other certifications, for failure to pay child or spousal support absent employment circumstances excusing a person from providing reasonable support. It also sets forth findings that family court judges must make before sending someone to jail for nonpayment of support.

S.133 EXPUNGEMENT OF JUVENILE RECORDS Sen. Davis

This bill relates to destruction of juvenile records and provides for the automatic expungement of juvenile records for non-violent crimes that occur before the age of sixteen years old.

S.255 ARREST AND BOOKING RECORD DESTRUCTION AFTER NO CONVICTION Sen. Thurmond

This bill provides for the no-cost removal and destruction of arrest and booking records published on websites when the charges published have been discharged or dismissed. It also sets out penalties for website operators who fail to timely remove the arrest and booking records.

S.500 CHILD SUPPORT RECOVERY Sen. Hayes

This bill includes revisions to state law to match federal requirements regarding uniform family support including international child support enforcement, other family maintenance, and determining paternity of children.

LABOR, COMMERCE AND INDUSTRY

S.276 CRIMINAL BACKGROUND SCREENING FOR RESIDENTIAL BUILDERS

AND RESIDENTIAL SPECIALTY CONTRACTORS Sen. Alexander

This bill requires applicants applying to the Department of Labor, Licensing and Regulation for licensure as a residential builder or registration as a residential specialty contractor to disclose and describe any criminal convictions, except for minor traffic violations, on his application. The legislation establishes requirements for applicants for licensure or registration to undergo fingerprint-based statewide criminal background checks. The legislation provides penalties for violations, and establishes an additional penalty for failing to disclose convictions requiring registration as a sex offender.

S.441 "GUARANTEED ASSET PROTECTION ACT" Sen. Hayes

This bill enacts the "Guaranteed Asset Protection Act" to provide a framework within which guaranteed asset protection waivers are defined and may be offered within this state. The legislation specifies that a "guaranteed asset protection waiver" or "GAP waiver" means a contractual agreement in which a creditor agrees for a separate charge to cancel or waive all or part of amounts due on a borrower's finance agreement in the

event of a total physical damage loss or unrecovered theft of the motor vehicle, which agreement must be part of, or a separate addendum to, the finance agreement.

H.4039 PROHIBITION ON LOCAL GOVERNMENT FEES FOR RESPONDING TO A MOTOR VEHICLE ACCIDENT Rep. Gambrell

This bill provides that municipalities, counties, units or agencies of a municipality or a county, and special purpose districts may not impose a fee or seek reimbursement of costs or expenses incurred by it for responding to a motor vehicle accident in this state. Exceptions are provided to address emergency medical services, ambulance or airlift services, hazardous materials release mitigation responses, traffic incident management activities, fire suppression activities, or extrication activities. The legislation provides that a unit of government nevertheless may seek to collect from another unit of government the reasonable costs incurred for responding to motor vehicle accidents outside its jurisdiction of authority, and to provide these costs may not be charged directly or indirectly to an insurance company unless expressly covered under the terms of the policy.

H.4056 DISQUALIFICATIONS FOR PARTICIPATION IN DEPARTMENT OF TRANSPORTATION CONTRACTS AS A PRIME CONTRACTOR OR SUBCONTRACTOR Rep. Funderburk

This bill provides that contractor or contracting firm shall not be qualified to participate in Department of Transportation contracts as a prime contractor or subcontractor, if: (1) the contractor or contracting firm is owned, in whole or in part, by a trust that benefits a person or firm who has been disqualified for bidding on department contracts, or a disqualified person's family; or (2) the disqualified person or firm provides financial support or loans to the contractor or contracting firm.

MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

**H.4017 VIDEO CAMERAS FOR DAYCARE AND AFTERCARE FACILITIES
Rep. Dillard**

This bill requires both publicly operated child daycare centers and aftercare facilities to have active video cameras installed outside their buildings while the children are present.

H.4037 "MEDICAL MARIJUANA PROGRAM ACT" Rep. Horne

Among other things, this bill defines various terms relating to medical marijuana usage and provides requirements that must be followed, in order to obtain a registry identification card.

WAYS AND MEANS

H.4036 HYBRID ELECTRIC VEHICLE AND BATTERY ELECTRIC VEHICLE TAX CREDITS Rep. Willis

This bill establishes provisions for a five thousand dollar tax credit for the in-state purchase or lease of a new qualified hybrid electric vehicle or new qualified battery electric vehicle.

H.4043 "SOUTH CAROLINA COMMERCIAL-PROPERTY ASSESSED CLEAN

ENERGY ACT Rep. Loftis

This bill enacts the "South Carolina Commercial-Property Assessed Clean Energy Act" (C-PACE) to establish provisions for governing bodies to establish a district by adoption of an ordinance for the purpose of promoting, encouraging, and facilitating clean energy improvements within its geographic area. The legislation provides that members of the district and owners of qualifying real property may voluntarily execute a written agreement to participate in the Commercial-Property Assessed Clean Energy Program. A governing body is authorized to impose an assessment on the qualifying real property which shall constitute a C-PACE lien against the qualifying real property until paid. The legislation makes provisions for how clean energy improvements may be financed. Clean energy improvements must meet all applicable safety, performance, interconnection, and reliability standards

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 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).