



South Carolina House of Representatives

# Legislative Update

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

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## HOUSE WEEK IN REVIEW

The House of Representatives amended, approved, and sent the Senate **H.4776**, the “**SOUTH CAROLINA EDUCATION SCHOOL FACILITIES ACT**”. The legislation makes provisions for state financial assistance to school districts, through such means as the issuance of state general obligation bonds and the awarding of grants, that must be used for permanent school instructional facilities, health and safety upgrades, technology access inside the school, and fixed building assets including the costs for construction, improvement, enlargement, or renovation of school facilities. The legislation does not provide financial assistance for unimproved real property, centralized school district administration facilities, or facilities normally identified with interscholastic sports activities. Under the legislation, the State Department of Education is charged with conducting a comprehensive study of all school districts’ facilities and physical assets and is assigned the responsibility of producing an annual prioritization report, with a total project cost that must not exceed two hundred million dollars, that ranks the qualified school projects. The department’s prioritization report must also provide a recommendation of whether financial assistance for a specific school project should be in the form of grants, loans or a combination of both. The legislation makes provisions for financial assistance to be allocated using the priorities established by the Office of School Facilities of the Department of Education as approved by the State Board of Education. Upon review of the information, the General Assembly may, through budget proviso or joint resolution, set the principal amount of the State School Facilities General Obligation Bonds to be considered. Upon approval of the Joint Bond Review Committee, the project prioritization report, with certification from the State Board of Education, must be submitted to the State Fiscal Accountability Authority in order for bonds to be issued. The legislation makes provisions for the State Board of Education to establish a revolving fund with such monies as may be appropriated by the General Assembly to operate a grant program that provides nonrecurring aid to school districts for facility maintenance expenses to include roof and heating and air conditioning repairs or replacements.

The House amended, approved, and sent the Senate **H.5006**, a bill addressing **RETIREMENT SYSTEM OVERSIGHT AND INVESTMENT MANAGEMENT**. The legislation makes comprehensive revisions regarding the governance of the state’s pension systems and the investment of retirement system funds. The legislation clarifies that the Board of the Public Employee Benefit Authority is the sole governing body of the authority and revises terms for PEBA Board Members to provide for terms that are five years in duration and staggered. A member may not be appointed to serve more than two consecutive full five-year terms. Rather than serving at the pleasure of the appointing authority, PEBA Board Members may be removed by the Governor only for cause. The PEBA Board must meet at least quarterly, rather than monthly. Provisions are made for the PEBA Board to employ an executive director to serve as the authority’s chief administrative officer and the fiduciary duties of the director are established. The legislation provides for revisions to the Retirement System Investment Commission that makes decisions regarding the investment of state pension funds. The legislation provides for an appointment by the Governor to Commission who is an active or retired member of the South Carolina Retirement System, Police Officers Retirement System, the Judges and Solicitors Retirement System, or the National Guard Retirement System. A commission member may not be appointed to serve more than two full five-year terms.

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Further qualifications for RSIC members are established that require additional experience and financial expertise. South Carolina Retirement Investment Commission members appointed by the Governor or members of the General Assembly are added to the list of officers who may be removed by the Governor only for cause. The legislation makes provisions for the RSIC to employ an executive director and engage attorneys on a fee basis. The required audit of the Retirement System Investment Commission is revised so that the audit firm must be selected using the state's Procurement Code. The legislation makes revisions relating to the investment of retirement system funds, by requiring the total amount of fees paid on investments to be reduced and ultimately capped at one-half of one percent of the total value of the system's assets. The legislation makes revisions relating to the assets of the retirement systems and investment of retirement system funds, so as to require the Public Employee Benefit Authority to hold the assets of the retirement systems in a group trust and to prohibit investments in certain money mortgages and real estate investment trusts. Provisions are included to preclude conflicts of interest in investments made by the Retirement System Investment Commission. Lobbyists are prohibited from contacting commission members or staff to solicit the investment of funds. The commission may not make an investment with or invest in a fund managed by an external investment manager if a placement agent receives compensation as a result of the commission's investment. The commission is prohibited from investing in any asset or with any entity in which a commissioner has any interest, excluding such arrangements as index or mutual funds that are managed by a professional fund manager. The legislation creates the nine-member Review and Oversight Commission on the Retirement System Investment Commission, composed of the chairs of the two legislative budget-writing committees, or their designees, two members of the Senate appointed by the President Pro Tempore, two members of the House of Representatives appointed by the Speaker of the House, and three gubernatorial appointees from the state at-large, one of whom must be an active member of the South Carolina Retirement System and one of whom must be an active member of the South Carolina Police Officers Retirement System. The Oversight Commission is charged with screening those appointed to serve on the Retirement System Investment Commission, receiving annual audits and other analysis required of the RSIC, conducting an oversight review of the RSIC and its operations at least once every two years, and undertaking any additional reviews, studies, or evaluations it considers necessary.

The House amended, approved, and sent the Senate **H.5007**. This bill provides that the **ASSUMED RATE OF RETURN FOR STATE RETIREMENT SYSTEM INVESTMENTS** expires every four years unless action is taken by the General Assembly to revise it. If the General Assembly does not set the assumed rate of return prior to its expiration, the rate must be set by vote of the State Fiscal Accountability Authority.

The House amended, approved, and sent the Senate **H.3084**, a bill providing **ADDITIONAL TIME FOR COUNTING ABSENTEE BALLOTS** by allowing the process of examining absentee ballot envelopes to begin at 9:00 a.m. on the day immediately prior to election day, rather than at 2:00 p.m. on election day. Before the counting of absentee ballots may begin, the county board of voter registrations and elections shall disclose the number of absentee ballots to be counted. This number may increase only if additional absentee ballots are received due to emergency hospital admission provisions, and a new total must be disclosed.

The House approved **H.3167**, legislation that adds to the list of acceptable forms of photographic identification that may be used to verify an elector's identity at the polls so that a valid and current **SOUTH CAROLINA RESIDENT CONCEALED WEAPON PERMIT MAY BE USED TO SATISFY VOTER IDENTIFICATION REQUIREMENTS**.

The House amended, approved, and sent the Senate **H.4387**, a bill **PROHIBITING LAW ENFORCEMENT AGENCIES FROM REQUIRING OFFICERS TO MEET A QUOTA FOR THE NUMBER OF CITATIONS ISSUED**. The legislation provides that law enforcement agencies, departments, or divisions, including municipal police departments, sheriff departments, the Highway Patrol, SLED, and other agencies that enforce state and local laws, may not require their law enforcement officers to issue a specific amount or meet a quota for the number of citations issued during a designated period of time. Law enforcement officer job performance reviews may be based on their conduct at points of contact with the community. An employee of a law enforcement agency, department, or division who files a report with an appropriate authority alleging a violation of these provisions is protected by the state's "Whistle Blower Act".

The House amended, approved, and sent the Senate **H.4970**, legislation **REQUIRING SLOWER MOVING VEHICLES TO TRAVEL IN THE FARTHEST RIGHT HIGHWAY LANE**. The legislation requires the Department of Transportation to broadcast periodically on the electronic variable message boards along the state's interstate highways, which are used for issuing Amber Alerts, messages that inform motorists traveling in slower moving vehicles that they must travel in the farthest right lane in either direction along all multilane portions of highways where appropriate. A motorist who violates this provision may be fined one hundred dollars. The legislation also revises **PENALTIES FOR A MOTORIST'S FAILURE TO GIVE PROPER TURN SIGNALS** by eliminating the four points assessed for the violation and instead providing that a violator must be fined twenty-five dollars, all or part of which may not be suspended. In addition no court costs, assessments, surcharges, or points may be assessed against the person or his driving record.

The House approved **S.1016**, enacting **EYE CARE CONSUMER PROTECTION** provisions, and enrolled the bill for ratification. The legislation provides that a person in this state may not dispense spectacles or contact lenses to a patient without a valid prescription from an individual licensed by the South Carolina Board of Examiners in Optometry or the South Carolina Board of Medical Examiners. A prescription for spectacles or contact lenses may not be based solely on the refractive eye error of the human eye or be generated by an automated kiosk. Violations are subject to penalties established for misconduct by optometrists and physicians.

The House amended, approved, and sent the Senate **H.4999**, legislation establishing provisions for **IMMUNITY FROM CIVIL LEGAL LIABILITY FOR PROVIDING FREE HEALTH CARE SERVICES**.

The House amended, approved, and sent the Senate **H.5193**, a bill **ENHANCING THE "SOUTH CAROLINA OVERDOSE PREVENTION ACT"** by making provisions for more expansive dispensation of opioid antidotes to individuals who may be at risk of an opioid drug overdose.

The House amended, approved, and sent the Senate **H.5218**, a bill declaring the month of May of every year as **"WATER SAFETY AWARENESS MONTH"** in South Carolina

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to promote an understanding of water safety practices and the critical importance of water safety in an effort to reduce drowning deaths among children in this state.

The House amended, approved, and sent the Senate **H.5172**, the “**SAFE HARBOR FOR EXPLOITED MINORS ACT**”. The legislation establishes protections from criminal and civil liability for crime victims who are minors under the age of eighteen residing in or visiting this state engaging in commercial sexual acts or sex trafficking. Confidentiality provisions are established for prosecutions of human trafficking violations to prevent the release of the identities and records of minors who are crime victims. Provisions are included to guarantee a voluntary admission to shelters and other facilities for victims of human trafficking that is not conditional upon whether a victim is cooperating with a law enforcement agency in its attempts to prosecute.

The House amended, approved, and sent the Senate **H.4835**, the “**SUPPORTING AND STRENGTHENING FAMILIES ACT**”. The legislation establishes provisions that allow a parent or person with legal custody of a child to delegate to an adult, as attorney-in-fact, temporary caregiving authority regarding the child for a period not to exceed one year. The legislation makes provisions for caregiving authority to be delegated without the approval of a court by executing in writing a power of attorney and establishes requirements for full background checks, to include a criminal history record check, child abuse and neglect central registry check, and a sex offender registry check, before caregiving authority may be delegated. The delegated caregiving authority may include any power or authority regarding the care and physical custody of the child, except the power to consent to marriage or adoption of the child, the performance or inducement of an abortion on or for the child, enlistment in the armed forces, major nonemergency medical and surgical treatment, and the termination of parental rights to the minor child. The attorney-in-fact for a child has the right to enroll the child in a public school serving the area where the attorney-in-fact resides and may enroll the child in a private school, kindergarten, prekindergarten, home study program, or childcare facility. Members of the United States Armed Forces who are deployed and others who are called to active duty may take advantage of these provisions for delegating caregiving authority for a period longer than one year if on active duty service. The term of delegation, however, may not exceed the term of active duty service plus thirty days.

The House amended, approved, and sent the Senate **H.4546**, a bill **ENHANCING REQUIREMENTS AND REVIEWS REGARDING CHILDREN PLACED IN FOSTER CARE**. Notably, the legislation includes provisions for adhering to a “reasonable and prudent parent standard” characterized by careful and sensible parental decisions that maintain the health, safety, and best interests of a child while at the same time encouraging the growth and development of the child, that a caregiver shall use when determining whether to allow a child in foster care to participate in age or developmentally appropriate extracurricular, enrichment, cultural, and social activities. The Department of Social Services is required to use its best efforts to normalize the lives of children in foster care by allowing a caregiver, without the department’s prior approval, to make decisions similar to those a parent would be entitled to make regarding a child’s participation in age or developmentally appropriate activities. In determining whether to allow a child in foster care to participate in an activity, a caregiver must exercise the reasonable and prudent parent standard. DSS must provide to a foster child a document describing the rights of the child regarding education, health, visitation, court participation, and the right to stay safe and avoid exploitation, and obtain a signed acknowledgement from the child upon receipt.

The House amended, approved, and sent the Senate **H.4547**, a bill **REVISING AGES WHEN INDIVIDUALS ARE CONSIDERED CHILDREN AND JUVENILES** under various statutes.

The House amended, approved, and sent the Senate **H.4029**, legislation enacting **ALIMONY REFORM** provisions. The legislation creates a new type of alimony, transitional alimony, which is awarded as a form of short-term support when the Family Court finds that rehabilitation is not required, but that the economically disadvantaged spouse needs financial assistance in adjusting to the economic consequences of the divorce. Transitional alimony is designed to aid a spouse who already possesses the capacity for self-sufficiency but needs financial assistance in adjusting to the economic consequences of establishing and maintaining a household without the benefit of the other spouse's income. The legislation provides that, if a marriage lasts less than ten years, the court must first consider alternate forms of alimony before awarding periodic alimony and make findings as to why alternate forms are not awarded when periodic alimony is awarded. The legislation eliminates requirements that continued cohabitation necessarily involves a period of at least ninety days when the court is making a determination of whether the supported spouse resides with another person in a romantic relationship. When the retirement by the supporting spouse prompts a hearing to evaluate whether there has been a change of circumstances for alimony, the legislation requires the court to consider social security received by the supported spouse as a result of the supporting spouse's social security benefit.

The House approved and sent the Senate **H.5021**, the "**ADULT STUDENTS WITH DISABILITIES EDUCATIONAL RIGHTS CONSENT ACT**". The legislation establishes procedures and policies through which adult students who are eligible for special education under the federal Individuals with Disabilities Education Act may delegate authority over their educational program to agents or representatives. Under this bill, an adult student who is eligible for special education under IDEA and who is not determined to be incapacitated in probate court can delegate his or her right to make educational decisions to an agent or representative on a form prescribed by the Department of Education. An adult student under IDEA who has not been determined to be incapacitated, but may be identified (by certain medical professionals) as unable to provide informed consent may have an educational representative designated.

The House approved and sent the Senate **H.5278**, a joint resolution affording access to certain funding relating to the federal **INDIVIDUALS WITH DISABILITIES ACT (IDEA)**.

The House amended, approved, and sent the Senate **H.4661**, a bill relating to **ACCEPTABLE PIPING MATERIAL IN LOCAL GOVERNMENT PROCUREMENT PROJECTS** utilizing state funds. The legislation provides that county governments, municipalities, school districts, water or sewer districts, special purpose districts, and other governmental agencies are required to consider all piping material in determining project requirements when state funds are used for a water supply, wastewater, stormwater, or storm drainage project. These provisions do not prohibit an official or an engineer of the governmental agency from choosing a piping material in its discretion for such projects.

The House approved and sent the Senate **H.5034**, a bill making **CHARITABLE BINGO GAME REVISIONS**. The legislation requires the Department of Revenue to establish an

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informational charitable bingo webpage on its website to serve as a clearinghouse for information and access to the Bingo Tax Act and its implementation and regulation, including access to licensure information, the manner in which to file complaints, and clarification on issues the department finds in connection with violations of the Bingo Tax Act. The webpage must also include a process for submitting questions to the bingo division of the department. The department shall post official minutes of meetings, including committee responses to each bingo inquiry. The percentage of bingo revenues that is distributed to charity is increased from twenty-six percent to twenty-eight percent. The legislation revises procedures applicable to the conduct of bingo, so as to increase the allowance for promotions from one hundred dollars to two hundred dollars. The legislation redefines 'building' under the definitions of the Bingo Tax Act to provide that it is any structure used or intended for supporting or sheltering any use or occupancy designated by a separate address, provided the structure does not include any interior access to another area where bingo is played. Bingo provisions are revised to exclude certain raffles. The legislation makes revisions relating to the manner of playing bingo, so as to provide the manner in which certain devices must be operated. The Department of Revenue is afforded forty-five days, rather than the current thirty days, to approve or reject applications for a bingo license by nonprofit organizations and promoters. The legislation revises provisions relating to bingo checking and savings accounts, so as to allow the promoter to make certain contributions and to allow for electronic payments.

The House amended, approved, and sent the Senate **H.4765**, a bill to provide for the **ADDITION OF A HABITAT FOR HUMANITY CHECK OFF ON INCOME TAX FORMS**. The legislation provides for an expansion of the voluntary contributions that an individual may make by means of a South Carolina income tax return check off, by adding a check off for the South Carolina Association of Habitat for Humanity Affiliates on the tax form.

The House amended, approved, and sent the Senate **H.4416**, a bill establishing **IMPACT FEE EXEMPTIONS FOR SCHOOLS AND VOLUNTEER FIRE DEPARTMENTS**. The legislation revises exemptions from development impact fees imposed by local governments on new construction, so as to add exemptions for the construction of new elementary, middle, and secondary schools and the construction of new volunteer fire departments.

The House approved and sent the Senate **H.5009**, a bill that makes **REVISIONS TO THE TEXTILES COMMUNITIES REVITALIZATION INCOME TAX CREDIT**, so as to eliminate a provision that limits the credit to fifty percent of income tax, corporate license fee, and insurance premium tax liability.

The House approved and sent the Senate **H.5011**, a bill that makes provisions for the **REIMPOSITION OF A LOCAL OPTION TOURISM DEVELOPMENT FEE** that allow for a municipality's use of a portion of the fee for tax relief to continue without interruption.

The House amended, approved, and sent the Senate **H.5078**, a bill that makes revisions regarding **LOCALLY-IMPOSED SALES TAXES**. The legislation makes revisions in various local sales and use tax provisions, so as to define "general election" as the election for federal and state officers in this State which is held on the first Tuesday following the first Monday in November in each even-numbered year. The legislation revises provisions relating to the Capital Projects Sales Tax Act, so as to provide that the tax must terminate on April thirtieth of an odd- or even-numbered year.

The House approved and sent the Senate **H.4762**, a bill relating to **EXCEPTIONS TO LIMITATIONS ON MILLAGE RATE INCREASES**. The legislation revises provisions relating to the limitation on millage rate increases and exceptions to this limitation, so as to revise the exception to this limitation for the purchase of capital equipment and other expenditures in a county having a population of less than one hundred thousand persons and having at least forty thousand acres of state forest land by providing for this minimum acreage requirement to include state or national forest land. Currently, only state forest land acreage is counted under this exception.

The House amended, approved, and sent the Senate **H.5077**, a bill **REVISING BOND PROVISIONS**. The legislation revises provisions relating to the payment of bonds by a joint authority water and sewer system, so as to allow a lien to be placed on the authority's property in accordance with the Revenue Bond Act for Utilities. The legislation eliminates the \$250 million cap on bonds for financing research university infrastructure projects. The legislation also eliminates obsolete provisions governing schools facilities bonds that have already been satisfied.

The House approved and sent the Senate **H.5270**, a bill expanding provisions for payroll deductions for state employees' association dues by **ALLOWING MEMBERSHIP DUES FOR THE SOCIETY OF FORMER AGENTS OF THE STATE LAW ENFORCEMENT DIVISION TO BE DEDUCTED FROM THE COMPENSATION OF STATE RETIREES** and paid over to the association in the same manner other membership dues are deducted and paid.

The House approved and sent the Senate **H.5119**, relating to the **SOUTH CAROLINA STATE GUARD**. The legislation clarifies the circumstances authorizing the Governor to call the State Guard into duty and to provide that circumstances involving a natural or manmade disaster, emergency, or emergency preparedness may warrant calling the State Guard into service. Compensation provisions for State Guard members are revised to provide that they may receive a daily stipend or per diem pay for reasonable expenses, or both, if approved by the Adjutant General. The legislation revises the criteria for the individual income tax deduction for guard members by allowing State Guard members to satisfy the training and drilling requirements with a yearly total of hours rather than by completing a required number of hours each month. The legislation revises provisions relating to legal assistance services for guard members and immediate family members, so as to authorize South Carolina State Guard Judge Advocates to provide these services and to include them within the personal liability exemption.

The House amended, approved, and sent the Senate **H.4845**, a bill addressing **PAYMENTS FOR SERVICES WHEN A BODY IS TRANSFERRED FROM ONE FUNERAL HOME, FUNERAL DIRECTOR, OR EMBALMER TO ANOTHER**. The legislation establishes a cause of action in magistrate's court to address situations when one funeral home, funeral director, or embalmer transfers a dead human body to second funeral home, funeral director, or embalmer who does not properly compensate the first provider for services rendered.

The House amended, approved, and sent the Senate **H.5089**, a bill addressing **LIENS ON MOTOR VEHICLES**. The legislation modifies certain definitions related to commercial trucks and weights and motor homes. Moreover, any liens or

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encumbrances on a motor vehicle or titled mobile home must be noted on the printed title or electronically through the Department of Motor Vehicles' Electronic Title and Lien System. The department transmittal must be done electronically for business entities or by paper certificate for nonbusiness entities (persons purchasing vehicles for personal use from persons selling vehicles they have used primarily for personal use). All businesses and commercial lienholders who are regularly engaged in the business or practice of selling motor vehicles as dealers or in the business or practice of financing motor vehicles will use the electronic lien system to transmit and receive electronic lien information. Liens on a vehicle titled by South Carolina, except upon vehicles defined as motor homes, mobile homes, special mobile equipment, or commercial trucks, are to be deemed effective for a period of twelve years from the date the lien was perfected. The effectiveness of the lien lapses at the end of this twelve-year period unless a continuation statement is filed. The responsibility of lien continuation lies with the lender. The twelve-year effective lien period refers to the age of the lien, not the age of the vehicle.

The House approved and sent the Senate [H.4215](#), a bill enacting the “**MANAGED TIDAL IMPOUNDMENT PRESERVATION ACT**”. The legislation exempts property that is deemed eligible under a general permit issued by the United States Army Corp of Engineers from state Department of Health and Environmental Control permitting requirements for routine, normal, or emergency maintenance or repair activities of tidal impoundment fields and adjacent nontidal fields. These coastal properties are commonly former rice fields that are now being used as duck hunting preserves.

The House amended, approved, and sent the Senate [H.3449](#), a bill to provide that the Department of Natural Resources may issue a recreational license to someone who is at least sixty-five years old for the **USE OF HOOP NETS ALONG THE WATEREE RIVER**. The legislation includes a sunset provision so that these provisions for recreational licenses along with provisions for commercial hoop net licenses along the Wateree River, are repealed on January 1, 2021.

The House amended, approved, and sent the Senate [H.5118](#), a bill revising provisions governing the operation of golf carts along the state's highways by providing **AUTHORITY FOR CERTAIN COASTAL MUNICIPALITIES AND COUNTIES TO ADOPT ORDINANCES THAT ALLOW GOLF CARTS TO BE OPERATED AT NIGHT** if they are equipped with working headlights and rear lights. This authority applies only within a county that has a barrier island.

The House amended, approved, and sent the Senate [H.4728](#), a bill enacting **EYE CARE CONSUMER PROTECTION** provisions. The legislation provides that a person in this state may not dispense spectacles or contact lenses to a patient without a valid prescription from an individual licensed by the South Carolina Board of Examiners in Optometry or the South Carolina Board of Medical Examiners. A prescription for spectacles or contact lenses may not be based solely on the refractive eye error of the human eye or be generated by an automated kiosk. Violations are subject to penalties established for misconduct by optometrists and physicians.

The House gave second reading approval to [H.5245](#), which provides authorization for a manufacturer, brewer, importer, or retailer to offer consumers **COUPONS AND REBATES FOR THE PURCHASE OF BEER**, including retailer instant redeemable

coupons, mail-in rebates, and coupons and rebates offered or redeemed through any electronic means.

The House rejected **H.3039**, legislation to enact the “**DILAPIDATED BUILDINGS ACT**”.

The House voted to continue **H.5037**, legislation **REVISING SIGNED WITNESS REQUIREMENTS FOR ABSENTEE BALLOTS**.

## HOUSE COMMITTEE ACTION

### MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

The Medical, Military, Public and Municipal Affairs Committee met on Wednesday, April 27, 2016, and reported out two bills.

The full committee gave a favorable with amendment recommendation to **S.1035**, a bill enacting the “**SOUTH CAROLINA TELEMEDICINE ACT**”. Telemedicine is defined as the practice of medicine using electronic communications, information technology, or other means between a licensee in one location and a patient in another location with or without an intervening practitioner. The legislation establishes requirements for physicians who practice telemedicine to be licensed in the state in order to have a physician-patient relationship solely via telemedicine. The legislation also requires all physicians, whether a traditional in-person or via telemedicine, practice with the same standard of care as a medical care practice. A physician is prohibited from prescribing medications via telemedicine when an in-person physical exam is necessary for diagnoses. Among many requirements, a physician must maintain complete medical records for each patient using such telemedicine services. A licensee, practitioner, or any other person involved in a telemedicine encounter must be trained in the use of the telemedicine equipment and competent in its operation.

**H.4544**, a bill relating to prescriptions for **ERECTILE DYSFUNCTION (ED)** medications, was given a favorable with amendment recommendation by the committee. The bill provides that only a physician defined as a doctor of medicine or doctor of osteopathic medicine licensed by the South Carolina Board of Medical Examiners may prescribe a drug to treat ED. Prior to obtaining a prescription (or refills) the patient must provide the physician with certain information, undergo cardiac stress tests every ninety days, and attend three sessions of outpatient counseling.

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

### **AGRICULTURE, NATURAL RESOURCES AND ENVIRONMENTAL AFFAIRS**

#### **S.980 VETERINARIANS Sen. Sheheen**

The bill requires all prescription drugs dispensed to an animal's owner to be labeled in accordance with the state and Federal law. The bill also provides for penalties.

#### **S.1205 DEPARTMENT OF NATURAL RESOURCES ENFORCEMENT OFFICERS Sen. Hembree**

Every officer shall be covered by a surety bond with the Department of Natural Resources of not less than two thousand dollars, subscribed by a licensed, reliable surety company, conditioned for the faithful performance of his duties. The bond may be individual, schedule, or blanket, and on a form approved by the Attorney General. The premiums on the bonds must be paid by the department.

### **EDUCATION AND PUBLIC WORKS**

#### **H.5262 DISCIPLINARY PROCEDURE DUE PROCESS ACT Rep. Loftis**

This bill enacts the "Disciplinary Procedure Due Process Act," establishing detailed procedures and criteria, in areas such as: proceedings, enumerating the rights of a student, standards for the disclosure of evidence, written statements entered as evidence, prohibiting certain documents from being used as evidence without the consent of both parties, among others, which most importantly may be: "the right to be present; the right to be represented by legal counsel; to present evidence; the right to have counsel present evidence, cross-examine witnesses, make objections, and present arguments. These rights to counsel apply to the appellate process." Also, requiring the presiding person to be impartial, establishing standards for the presiding person to make a decision, requiring an institution to provide a student the internal appeals procedure if the decision of the institution is adverse to the student and allowing the student or institution to appeal to the Circuit Court or Administrative Law Court. The bill also establishes a presumption of non-violation for the student and the burden of proof for the institution, requiring any punishment to be reasonable and proportionate to the violation, to allow the Circuit Court or Administrative Law Court to issue an injunction and allow for the award of attorney's fees and costs. The bill also allows an institution to immediately suspend a student for alleged misconduct in certain circumstances.

#### **H.5277 PUBLIC COLLEGE TUITION WAIVERS Rep. Horne**

This bill relates to public college tuition waivers for the children of certain veterans, so as to provide public college tuition waivers to certain wartime veterans, subject to limitations for graduate study use.

## JUDICIARY

### **S.139 BEACH EROSION COUNTERMEASURES Sen. Cleary**

Allows additional technologies, methodologies, or structures for protecting beach and dune critical areas when an emergency order is issued by appointed officials of counties and municipalities. Prohibits seaward movement of baselines after July 1, 2015. Eliminates the right of local governments and landowners to petition our Administrative Law Court to move baselines seaward after completion of beach renourishment projects. Narrows the exception for golf courses from permitting requirements in order to repair and maintain their links. Includes exemptions for sandfencing, revegetation of dunes, minor beach renourishment, and dune construction. SCDHEC would be empowered to approve repairs utilizing certain erosion control devices which would otherwise be prohibited and lists circumstances under which repairs may be made. SCDHEC would also be able to approve beach erosion control devices not currently listed in existing law if the board determines that a particular device will be successful in abating beach erosion control.

### **S.356 NATIVE AMERICAN GROUP RECOGNITION SUNSET Sen. Rankin**

Adds new SC Code Section 1-31-60, so that on the effective date of this act, recognized Native American Indian groups, will continue to be so recognized and eligible to exercise privileges and obligations authorized through their designation. The Commission for Minority Affairs would also have to cease recognizing any *additional* Native American Indian groups. Also, any regulations recognizing Native American Indian group are repealed. However, the Commission must revise its regulations to continue the privileges, and obligations, of existing Native American Indian groups that continue to be recognized.

### **S.561 SCDOT COMMISSION COMPOSITION Sen. Grooms**

SCDOT Commission is tasked with approving the Department's annual budget and certain other specified duties. However, it specifically repeals SC Code Subsections 57-1-370 (D), (E), (F), (G), (H), (I), (K), (L), (M), (N), and (O) to remove from the Commission various approvals, reviews, and oversight authorities over pending road and other transportation-related projects.

### **S.777 VETERAN BENEFITS UNDER A GUARDIANSHIP Sen. Malloy**

Adds requirements for matters involving payment of benefits from the United States Department of Veterans Affairs. Also adds definitions applicable to the South Carolina Probate Code, to define the terms "estate," "income," "benefits," "Secretary," "protected person," "conservator," and "VA." Requires guardianship petitions to show that the person to be protected has been rated incompetent by the VA. It shall also contain the name and address of the person to be notified on behalf of the VA. The summons and petition, notice of hearing, and waiver of notice by the person to be protected, will have to be served on the VA. Clarifies SC Code Section 62-5-407, regarding procedures in cases involving payment of benefits from the VA. Repeals Part 6, Article 5, Chapter 5, Title 62 of the Probate Code known as the Uniform Veterans' Guardianship Act.

### **S.778 UNIFORM POWER OF ATTORNEY ACT Sen. Malloy**

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Enacts the "*South Carolina Uniform Power of Attorney Act*" to define applicable terms, including "agent," "durable," "electronic," "good faith," "incapacity," "person," "power of attorney," "present exercisable general power of appointment," "principal," "property," "record," "state," and "stocks and bonds"; outlines the article's requirements and applicability; and provides listed exceptions.

Also enacts the "*South Carolina Statutory Health Care Power of Attorney Act*"; to define applicable terms; outline the requirements for, and applicability of, these documents; sets proper execution and witnessing requirements; and updates the valid form for a health care power of attorney.

### **S.908 SOUTH CAROLINA UNIFORM FIDUCIARY ACCESS TO DIGITAL ASSETS ACT Sen. Hayes**

Establishes the "*South Carolina Uniform Fiduciary Access to Digital Assets Act*" to establish a framework so internet users have the power to plan for the management and disposition of digital assets upon their death or incapacitation.

Applies this legislation to fiduciaries, personal representatives, conservators, trustees, and other parties.

Exempts digital assets of an employer that are used by an employee in the ordinary course of business. Requires this act be applied and construed to promote uniformity of law among the states.

### **S.986 PROSTITUTION CRIMINAL PENALTIES REFORM Sen. Shealy**

Increases the penalties for soliciting prostitution, establishing or keeping a brothel or house of prostitution, or causing or inducing another to participate in prostitution.

Establishes--as an affirmative defense--being a victim of human trafficking.

Increases penalties for soliciting, causing, or inducing another for prostitution when the prostitute has a mental disability.

### **S.1015 COUNTERFEIT AIRBAGS IN CARS Sen. Leatherman**

Adds new SC Code 16-13-165 making certain actions involving counterfeit or nonfunctional airbags unlawful.

### **S.1023 RETIREES CARRYING CONCEALED WEAPONS Sen. Hutto**

Amends SC Code Section 23-31-240, which allows listed persons allowed to carry a concealable weapon while on duty, also to include persons who are retired justices, judges, solicitors, and commissioners. Also adds current and retired clerks of court to this list.

### **S.1092 ILLEGAL DRUG TRAFFICKING/SYNTHETIC DRUGS Sen. Hutto**

Modifies SC Code Section 44-53-370 to conform its language relating to the crime of trafficking in illegal drugs, including opiates and heroin, with the language for the crimes of possession and distribution of certain illegal drugs to also include synthetic opiates, among other drugs.

### **S.1127 IRAs EXEMPT FROM BANKRUPTCY Sen. Cleary**

Clarifies that SC Code Section 15-41-30 regarding individual retirement accounts being exempt from attachment, levy, or sale, will no longer to be limited to any maximum or minimum amount specified in US Bankruptcy Code Section 522(d).

### **S.1139 CRIMES ON ALCOHOL RETAIL SALES/CONSUMPTION PREMISES Sen. Allen**

Requires SLED to send SCDOR all documentation about criminal convictions, guilty pleas, and nolo contendere pleas that SLED obtains as a result of violations of Title 61 of the SC Code or other criminal activities occurring at alcohol retail sales or on-premises consumption locations that have been licensed under Title 61 of the SC Code.

**S.1170 ALIMONY AWARDS/SUBSEQUENT SPOUSE Sen. Gregory**

Family Court judges could not consider certain earnings of a subsequent spouse when making, modifying, or terminating an award of alimony.

**S.1182 CHILD FATALITY REVIEW TEAMS Sen. Shealy**

County coroners would be required to schedule a local child fatality review team --with specific listed members to be involved--to perform a case review when a child under eighteen years old dies in their county. Earmarked surcharge funds collected by the State Treasurer must be disbursed to counties equally in order to pay for full-time coroners a minimum annual salary of \$35,000, pay other personnel, or to purchase equipment. Excess funds must be used by the Coroners Training Advisory Committee to perform its duties, which are also specified in this legislation.

**H.5276 HOUSING DISCRIMINATION Rep. Dillard**

Prohibits housing discrimination against individuals based upon the source of their incomes.

**H.5293 TRANSFERRING RECREATION COMMISSION AUTHORITY  
Rep. Bernstein**

Authorizes county legislative delegations to abolish county recreation commissions via a delegation resolution, then transfer all recreation commission power and authority to the county governing body.

**H.5295 OBLIGATION OF PRESIDENTIAL ELECTORS Rep. Stringer**

Political party executive committees could no longer relieve presidential electors from their obligation to vote for a specific candidate under certain circumstances.

**H.5299 Rep. *EMERGENCY FREIGHT SERVICE* G. M. Smith**

Adds new SC Code Section 25-1-445, granting our Governor authority during declared emergencies to make certain accommodations for persons transporting goods, ensuring the availability of these goods, or restoring utility services. Establishes a certification system for identifying these service providers.

## **LABOR, COMMERCE AND INDUSTRY**

**S.922 COMMISSION FOR THE BLIND CONCESSION STANDS IN STATE  
AND LOCAL GOVERNMENT BUILDINGS Sen. Bryant**

This bill revises provisions authorizing the Commission for the Blind to operate concession stands in any state, county, or municipal building and in any state park, by providing that an operator of a concession stand may not subcontract the installation or operation of the concession stand to a person who is not blind or does not have a severe visual disability.

**S.1177 ARCHITECTURAL EXPERIENCE PROGRAM Sen. Rankin**

This bill revises provisions for the professional licensure of architects by replacing provisions for the “Intern Development Program” with provisions for the “Architectural Experience Program”.

**S.1252 COMMUNITY FIREWORKS DISPLAY Sen. S. Martin**

This bill establishes provisions that require the State Fire Marshal to issue a license for a community fireworks display if certain safety conditions and other requirements are met.

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

**S.371 GROUNDS FOR DISCIPLINING NURSES Sen. Bryant**

This bill enacts the Department of Labor, Licensing and Regulation shall begin an investigation of a complaint within forty-eight hours of receipt of the complaint involving a patient death and the complaint alleges misreading a physician order resulting in the overmedication or undermedication of the patient. For purposes of this provision, within forty-eight hours excludes Saturday, Sunday, and state holidays.

**S.1037 THE EXEMPTION OF TEAM PHYSICIANS OF ATHLETIC TEAMS VISITING THE STATE FOR A SPECIFIC SPORTING EVENT FROM PHYSICIAN LICENSING REQUIREMENTS Sen. Alexander**

The legislation expands the exemption to include team physicians of athletic teams visiting the state for a team training camp.

## **WAYS AND MEANS**

**S.227 REMISSION OF REDEVELOPMENT FEES TO A REDEVELOPMENT AUTHORITY Sen. Campbell**

This bill revises provisions relating to the remission of redevelopment fees to a redevelopment authority, to extend the end date for remissions from January 1, 2017, to January 1, 2021. The redevelopment fee remitted in any fiscal year may not exceed the amount remitted in Fiscal Year 2014-2015.

**S.981 SPECIAL LICENSE PLATES Sen. Sheheen**

This bill makes revisions relating to the “No More Homeless Pets” special license plates to make provisions for the South Carolina Animal Care and Control Association to coordinate the grant program. The legislation provides that there is no fee for ‘Korean War Veterans’ special license plates.

**S.1122 REIMPOSITION OF THE LOCAL OPTION TOURISM DEVELOPMENT FEE Sen. Rankin**

This bill makes provisions for the reimposition of a local option tourism development fee that allow for a municipality’s use of a portion of the fee for tax relief to continue without interruption.

**S.1258 ROAD FUNDING Senate Finance Committee**

This bill makes provisions for all of the motor vehicle sales tax revenue and the revenue from various Department of Motor Vehicles fines and fees to be transferred to the State Highway Fund for the state funded resurfacing program. The Department of Transportation is charged with developing and implementing a needs-based weighting methodology to allocate funding within the state funded road resurfacing program, which must include consideration on a county-by-county basis, to ensure that each county in the state is guaranteed funding. The legislation makes provisions for the Department of Transportation to reduce the allocation to the state funded resurfacing program to transfer revenue to the South Carolina Transportation Infrastructure Bank for the issuance of bonds for financing infrastructure projects with fifty million dollars of the revenue utilized to finance bridge replacement, rehabilitation projects, and expansion and improvements on existing roads in the State Highway System and funds in excess of fifty million dollars utilized to finance expansion and improvements to existing mainline interstates. The Infrastructure Bank projects that are financed utilizing these transferred funds shall not require a local match.

**H.5294 "SOUCY BOTTLE ACT" Rep. Bowers**

This bill enacts the "Soucy Bottle Act" to: provide for the recycling of beverage containers by consumers; require deposit beverage distributors that operate within the state to register with the Department of Revenue and maintain certain records; require deposit beverage distributors to pay a container recovery fee and a deposit for each deposit beverage container sold in the state; require deposit beverage distributors to charge dealers or consumers a deposit equal to the refund value of the beverage container; prescribe beverage container refund values and to require refund values to be affixed to beverage containers; create the "Deposit Beverage Container Fund" within the Department of Revenue, to provide which funds are to be deposited in the fund and how the fund is to be used; require the Bureau of Land and Waste Management of the Department of Health and Environmental Control to administer the program; require the Comptroller General to conduct an audit of the program during certain fiscal years; require dealers to post signs that indicate information about redemption centers; require the bureau to define underserved areas and work to put certified redemption centers in these areas; require prospective redemption centers and prospective processors to register with the Department of Health and Environmental Control, and to provide requirements for the issuance of certification; prescribe the use of reverse vending machines in the collection of beverage containers; provide situations in which a certified redemption center may refuse to pay the refund value on a deposit beverage container; provide for the payment of handling fees by the Department of Revenue to certified redemption centers upon certain conditions; provide for the payment of administrative fees by the Department of Revenue to processors upon certain conditions; require processors to submit invoices to the Department of Revenue concerning refund values and associated fees; require distributors, redemption centers, and processors to make records available upon certain conditions; require the Department of Revenue to compile and publish a report on the program each fiscal year; provide for the membership and duties of an advisory committee to the bureau; and provide penalties for the violations.

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