



South Carolina House of Representatives

Legislative Update

Robert W. Harrell, Jr., Speaker of the House

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HOUSE WEEK IN REVIEW

The House of Representatives approved **S.578**, a bill authorizing the issuance of up to \$120 million in **ECONOMIC DEVELOPMENT BONDS**, and enrolled the legislation for ratification. The legislation authorizes the state to issue up to \$120 million in economic development bonds for the expansion of an existing economic development bond project, bringing an additional investment of at least \$400 million and at least four hundred new jobs, and for an enhanced economic development project with an investment of at least \$1.1 billion and creating at least two thousand new jobs above the basic investment and job creation criteria established for an economic development bond project. Site preparation and infrastructure improvements funded through such economic development bonds would facilitate the Boeing Company's proposal to expand its aircraft manufacturing operations in North Charleston and establish operations that support its manufacturing in South Carolina, such as research and development functions.

The House concurred in Senate amendments to **H.3248**, a bill relating to the **ENFORCEMENT AND PROSECUTION OF IDENTITY THEFT OFFENSES**, and enrolled the legislation for ratification. The legislation enhances identity fraud and financial identity fraud provisions by establishing more expansive criteria for personal identifying information and financial resources that are to be used in determining whether fraud has been committed. The legislation provides that the venue for the prosecution of identity fraud and financial identity fraud offenses is in the county in which the victim resided at the time the information was obtained or used. Conforming language contained in financial transaction card crime is added to provide that, in a prosecution for a violation of identity fraud offenses, the state is not required to establish and it is not a defense that some of the acts constituting the crime did not occur in this state or within one city, county, or local jurisdiction. The legislation revises the provision that allows someone who learns or reasonably suspects that he is the victim of identity theft to initiate an investigation by reporting to a local law enforcement agency that has jurisdiction over his actual legal residence, so as to eliminate the law enforcement agency's option of referring the investigation to another law enforcement agency where the crime was committed.

The House amended, approved, and sent the Senate **H.3560**, a bill establishing a new statewide **MENTAL HEALTH ADJUDICATION AND COMMITMENT REPORTING** initiative to compile information that is to be used to preclude firearms purchases and disallow concealed weapons permits for those who have been committed to mental institutions, have been found insane by a criminal court, or have otherwise been officially designated as mentally defective. The legislation's Mental Health Adjudication and Commitment Reporting initiative requires the Judicial Department and the State Law Enforcement Division (SLED) to work in conjunction with county court officials in compiling information regarding those who have been adjudicated as a mental defective or who have been committed to a mental institution. Adjudication as a mental defective involves a court, board, commission, or other lawful authority making an official determination that a person, as a result of marked subnormal intelligence, or mental illness, incompetency, condition, or disease, is a danger to himself or to others or lacks the mental capacity to contract or manage his own affairs. This determination includes a finding of insanity by a court in a criminal case as well as a finding that someone is

incompetent to stand trial or is not guilty by reason of insanity. Information amassed on those committed to mental institutions involve all formal commitments, including all involuntary commitments, to mental hospitals, sanitariums, psychiatric wards, and other mental health facilities for mental illness, mental defectiveness, and other reasons, such as for drug use. This does not apply to voluntary admissions or to someone who is in a mental institution for observation. Information relating to a person's diagnosis or treatment may not be submitted and confidentiality provisions are included relating to submitted information. Courts must submit information on individuals who have been adjudicated as a mental defective and those who have been committed to a mental institution to SLED on an ongoing basis, and SLED is required to transmit the information to the National Instant Criminal Background Check System, which is used by federal firearms licensees to determine instantly whether a prospective buyer is eligible to buy firearms. The legislation provides that persons adjudicated as mental defective or who have been committed to a mental institution are prohibited from shipping, transporting, possessing or receiving firearms or ammunition under state law, as in federal law. Additionally, SLED must review the state's concealed weapons permit holder list to determine if a person adjudicated as a mental defective or someone who has been committed to a mental institution possesses a current concealed weapons permit. If the review reveals that such an individual holds a concealed weapons permit, the permit is revoked and must be surrendered to law enforcement. Procedures are included for law enforcement to retrieve the permit should the holder fail to return it within ten days of being notified of its revocation. An appeals process is included which allows a person who has been adjudicated as a mental defective or committed to a mental institution to petition the court that issued the original order to remove the firearms and ammunition prohibition from SLED's records and, consequently, the records of the National Instant Criminal Background Check System.

The House returned **S.2**, a bill providing **ELECTION LAW REFORM** measures, to the Senate with amendments. In amending the bill, the House replaced the Senate's provisions with the election law reform measures that the House approved earlier in the year in H.3298. The legislation addresses the conflicting assertions about how to satisfy the state's filing requirements for candidates for public office found in the lawsuits at the last general election that resulted in court rulings that removed several challengers from the ballot for filing their statements of economic interests or making other required filings in ways that failed to meet the timeline established in statute. The legislation overhauls statutory filing requirements and other provisions governing the way in which an individual becomes a candidate for public office in the state.

The legislation removes the filing of a statement of economic interests from election law requirements and makes such filings an ethics law matter, exclusively, for candidates and incumbent office-holders, alike. Under the revisions, the failure to make a timely filing of required statements of economic interests would not cause candidates to be removed from the ballot or otherwise impair their status as candidates, but such a failure would be subject to the penalties established for violating the Ethics Act. The legislation requires candidates for public office and new public officials to file statements of economic interests with the State Ethics Commission within fifteen days or by the April 15 deadline established for incumbent officials to update their statements of economic interest, whichever comes last.

The procedures for becoming a candidate for public office are completely revised by the legislation so that the involvement of political party officials is no longer required, and all

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necessary filings, attestations, and payments of fees are conducted through governmental offices. In order to qualify as a candidate to run in the general election, all candidates seeking nomination by political party primary or convention must file for office under a revised protocol where candidates seeking nomination for a statewide, congressional, or district office that includes more than one county must: complete the statement of intention of candidacy, the notice of candidacy, and pledge obtained from the State Election Commission; obtain the signature of the appropriate State Election Commission official on the statement of intention of candidacy; and file the signed statement of intention of candidacy and the notice of candidacy and pledge with the State Election Commission along with the required filing fee. Under the revised protocol, candidates seeking nomination for the state Senate, the state House of Representatives, or a countywide or less than countywide office may obtain their necessary documents from either the State Election Commission or their appropriate county board of registration and elections, and must obtain the signature of the appropriate county board of registration and elections official on the statement of intention of candidacy, and make all required filings and payments of fees with the county board. The county board of registration and elections must, in turn, meet requirements for transmitting statements and filing fees to the State Election Commission. In every general election year, a county board of registration and elections is required to designate a specified place, other than a private residence, where a person may file as a candidate. The board must comply with the legislation's requirements for maintaining regular hours and necessary staffing at the filing place and for providing public notice of where, when, and how to file. A single designee for each recognized political party within the county, selected by the county chair, may be present at the filing place. The legislation includes requirements for political parties to receive notifications about candidate filings from county boards of registration and elections and from the State Election Commission.

The legislation establishes provisions for combining existing boards of voter registration and boards of elections in counties where these boards have not yet been combined into a single board of registration and elections.

The legislation establishes a revised mechanism for political parties to follow in order to nominate candidates by conventions.

The House amended, approved, and sent the Senate **H.3474**. The legislation establishes **SCHOOL CALENDAR FLEXIBILITY** provisions by revising various statutory requirements that set the length of the school year in terms of a minimum number of days so that these requirements may also be satisfied with an equivalent number of hours. Under the revisions, a local school district is afforded greater authority in deciding how best to structure the instructional day and how many days of instruction comprise the school year, in that the local school district calendar includes instructional days to coincide with official testing dates as set by the South Carolina Department of Education for the administration of the statewide testing program. The number of instructional hours in an instructional day may vary according to local board policy and does not have to be uniform among schools in the district.

The House amended, approved, and sent the Senate **H.3602**, a bill establishing criminal offenses targeting **RETAIL THEFT OPERATIONS**. The legislation creates the felony offenses of committing or conspiring with another to commit retail theft, amounting to more than \$2,000 over a 90-day period, with the intent to sell the stolen property or to place the stolen property in the control of a retail property fence, which is a person or

business that buys retail property knowing or believing that it is stolen. The legislation creates a felony offense relating to stealing goods or merchandise from a merchant by affixing a product code created for the purpose of fraudulently obtaining goods or merchandise at less than actual sale price. The legislation creates an offense for the use of a false or altered identification to commit retail theft by way of a refund. Violations are a misdemeanor if the value is less \$2,000, and violations are a felony if the value is \$2,000 or more. Regardless of the value involved, if an offender has two or more prior convictions, the third violation is a felony. When a defendant is ordered to make restitution by a magistrate or municipal court, this legislation requires the court, upon a motion, to hold a hearing to require a defendant who is in default to show cause why his default should not be treated as a civil judgment and judgment lien attached. A magistrate may convert unpaid court ordered payments into a civil judgment.

The House amended, approved, and sent the Senate **H.3014**, the "**VETERANS TREATMENT COURT PROGRAM ACT**" to address the criminal justice system's encounters with veterans who have returned from their military service having sustained traumatic brain injuries or suffering from service-related mental health impairments, such as post-traumatic stress disorder, depression, anxiety or acute stress. This legislation provides authority for each circuit solicitor to establish a veterans treatment court program, subject to the availability of funds, to divert qualifying nonviolent military veteran offenders away from the criminal justice system and into appropriate mental health and substance abuse treatment programs, thereby reserving prison space for violent criminals and others for whom incarceration is the only reasonable alternative.

The House amended, approved, and sent the Senate **H.3224**, the "**MILITARY SERVICE OCCUPATION, EDUCATION, AND CREDENTIALING ACT**". The legislation authorizes a state-supported-post-secondary educational institution, including a technical and comprehensive educational institution, to award educational credit to a student honorably discharged from the Armed Forces of the United States for a course that is part of the military training or service of the student, provided: (1) the award must be made within three years after the enrollment of the student at the institution; (2) the course meets the standards of the American Council of Education or equivalent standards for awarding academic credit; and (3) the award is based upon the admissions standards, role, scope, and mission of the institution. The legislation provides an individual is exempt from completing continuing education requirements for his professional or occupational licensing while serving on active military duty. The legislation also allows military personnel who come to the state through duty assignment to avail themselves of the provisions for obtaining temporary professional and occupational licenses that were established to assist military spouses to continue their careers following relocation.

The House amended, approved, and sent the Senate **H.3797**, a bill to enhance the state's provisions governing the operation of **CAPTIVE INSURANCE COMPANIES**. Notably, the legislation establishes provisions for captive insurance companies to establish protected cells for assets and liabilities.

The House concurred in Senate amendments to **H.3621**, a bill relating to a **HAZARDOUS INSURER LICENSEE REVOCATION**, and enrolled the legislation for ratification. The legislation revises provisions governing the revocation or suspension of a certificate of authority to transact business in this state by an insurer, so as to revise provisions concerning a revocation of the licensee of a hazardous insurer.

The House concurred in Senate amendments to **H.3047**, a bill regarding **GIGGING FOR FLOUNDER**, and enrolled the legislation for ratification. The bill provides that it is unlawful for a person to gig for flounder in salt waters during the daylight hours. The prohibition does not apply to underwater spear fishing. A violator is subject to a fine of up to one hundred dollars or imprisonment for not more than thirty days.

The House concurred in Senate amendments to **H.3571**, a bill relating **TROTLINES, SET HOOKS AND JUGS**, and enrolled the legislation for ratification. The legislation provides for a smaller hook size to be used to fish along all river systems and changes the color of the jugs to white on trotlines.

The House approved **S.295**, a bill pertaining to the **DISSOLUTION OF CERTAIN SPECIAL PURPOSE DISTRICTS**, and enrolled the bill for ratification. This legislation allows the governing body of a special purpose district created by act of the General Assembly that provides recreational services and has as its boundary the same as the county in which it is located to voluntarily dissolve itself and transfer its assets and liabilities to a county under certain circumstances. For purposes of calculating the millage limitation imposed pursuant to Section 6-1-320 for a county, any millage for operating purposes imposed by the dissolved special purpose district is considered to have been imposed by the county. These provisions do not apply to a special purpose district that provides both recreational and aging services. Further, these provisions expire two years after the effective date of the legislation.

The House approved **S.10**, relating to the **AUTHORITY OF SCHOOL TRUSTEES TO SELL OR LEASE SCHOOL PROPERTY FOR FISCAL YEAR 2012-2013**, and enrolled the joint resolution for ratification. This legislation provides for Fiscal Year 2012-2013, school trustees of a school district that do not currently have the authority to do so, may sell or lease school property, real or personal, in the school district at any time they deem it expedient to do so and apply the proceeds of the sale or lease to the school fund of the district.

The House approved and sent the Senate **H.3752**, the "**EXPANDED VIRTUAL LEARNING ACT**". The legislation changes references in law from the South Carolina Virtual School Program to a virtual education program. Also, the legislation removes limits on the number of online credits a student may be awarded under the program.

The House approved and sent the Senate **H.3973**, a bill designating the month of September of every year as "**GOLDEN SEPTEMBER CHILDHOOD CANCER AWARENESS MONTH**" in South Carolina to honor and give courage to all those children in our State who are fighting this terrible disease.

The House approved and sent the Senate **H.3870**, a bill revising **FIREFIGHTER MOBILIZATION AND EMERGENCY RESPONSE** provisions. The legislation provides in the "Firefighter Mobilization Act of 2000" that the South Carolina Law Enforcement Division (SLED) has specific and exclusive jurisdiction on behalf of the state in matters pertaining to the response to, and crisis management of, acts of terrorism and emergency event management of explosive devices. The legislation adds the Chief of SLED to the South Carolina Firefighter Mobilization Oversight Committee. The legislation revises the South Carolina Firefighter Mobilization Plan provisions, so as to rename the committee as the South Carolina Firefighter Mobilization And Emergency

Response Task Force Plan, to add the task force to those resources that the plan is intended to offer, and to provide the plan is operational when the Chief of SLED directs a response to a terrorist or explosive device event. The legislation revises the duties of the committee, so as to provide the committee shall develop guidelines for using resources allocated to the task force at the state and regional level. The legislation requires the Office of State Fire Marshal to provide administrative support as required by the committee to perform its prescribed functions. The legislation requires the state coordinator appointed by the committee to report to the State Fire Marshal and provide administrative support to the committee.

The House amended, approved, and sent the Senate **H.3869**, a bill **REVISING THE RENEWAL OF LICENSES ISSUED BY THE SOUTH CAROLINA RESIDENTIAL BUILDERS COMMISSION**. The legislation makes the renewal period biennial, rather than annual, and requires a licensee seeking renewal to submit a certificate of compliance with continuing educational requirements. The legislation establishes specific requirements for mandatory continuing education required of a licensee, and provides that no additional continuing education or examination may be required by a county or municipality. The legislation requires residential specialty contractor licensees to complete certain continuing education approved by the commission, and provides that a residential specialty contractor who has completed continuing educational requirements in addition to other existing requirements is exempt from related additional examinations required by a county or municipality.

The House approved and sent the Senate **H.3815**, a bill that provides for the **LICENSURE OF AUCTIONEERS** to be biennial, rather than annual. The legislation conforms continuing education requirements for auctioneers to the new schedule by doubling the requirements for a licensing period to make it eight hours rather than four hours.

The House approved and sent the Senate **H.3771**, a bill that revises provisions governing the membership of the **SOUTH CAROLINA REAL ESTATE COMMISSION**, so as to detail procedures for appointing the seven commissioners who represent the seven congressional districts. The legislation requires the Department of Labor, Licensing and Regulation to designate certain personnel, including full-time inspector-investigators, for the exclusive use of the commission and prohibits the department from assigning other work to these personnel without approval of the commission. The legislation provides that these personnel only may be terminated by the director.

The House amended and gave second reading approval to **H.3609**, a bill establishing **RESTRICTIONS ON MINORS PURCHASING AND POSSESSING LASER DEVICES** in response to the misuse of laser pointers and similar devices in causing eye injuries and creating dangerous distractions from remote locations, involving, most notably, the temporary blinding and debilitating of those piloting aircraft. The legislation prohibits the sale of laser devices to someone under the age of eighteen years or to someone who does not present, upon demand, proper proof of age. Criminal penalties are established for violations. The legislation prohibits a minor under the age of eighteen years from possessing or purchasing a laser device or offering fraudulent proof of age in an attempted purchase. The legislation establishes exceptions allowing a minors to possess and use laser devices in the course of business or education, for emergency signaling purposes, or with lawfully used gun sights and other uses connected with

firearms and archery. A violation of these prohibitions on the possession and use of laser devices by minors incurs civil fines and confiscation of laser devices. A violation of these restrictions involving minors is not a criminal or delinquent offense and no criminal or delinquent record may be maintained. A minor may not be detained, taken into custody, arrested, placed in jail or in any other secure facility, committed to the custody of the Department of Juvenile Justice, or found to be in contempt of court for a violation of these provisions, nor may a violation be used a disqualification for state scholarships or other university financial assistance programs.

The House amended, approved, and sent the Senate **H.3268**, a bill pertaining to the **DISSOLUTION OF CERTAIN SPECIAL PURPOSE DISTRICTS**. This legislation allows the governing body of a special purpose district created by act of the General Assembly that provides recreational services and has as its boundary the same as the county in which it is located to voluntarily dissolve itself and transfer its assets and liabilities to a county under certain circumstances. For purposes of calculating the millage limitation imposed pursuant to Section 6-1-320 for a county, any millage for operating purposes imposed by the dissolved special purpose district is considered to have been imposed by the county. These provisions do not apply to a special purpose district that provides both recreational and aging services. Further, these provisions expire two years after the effective date of the legislation.

The House recommitted **H.3782**, the "**PUBLIC EMPLOYER PAYROLL DEDUCTION POLICY ACT**", to the Labor, Commerce and Industry Committee.

HOUSE COMMITTEE ACTION

AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

The full Agriculture, Natural Resources and Environmental Affairs Committee met on Thursday, April 18, 2013, and reported out several bills.

H.3762, a bill dealing with the **UNLAWFUL HUNTING OF WILDLIFE**, was given a favorable with an amendment recommendation by the full committee. The legislation includes all devices for seizing when used in unlawful hunting of deer or bear at night. The legislation also states that property seized for a second offense, and the device is of greater value than five thousand dollars, the owner may at any time before sale redeem it by paying to the department the sum of five thousand dollars. When the device is of lesser value than five thousand dollars, the owner may at any time before sale redeem it by paying to the department the retail market value. If there is a third or subsequent offense, the device must be forfeited to the state.

H.3735, a bill relating to **BLACK SEA BASS**, was given a favorable with an amendment recommendation by committee. The bill clarifies that the Federal laws and regulations that regulate the taking of fish in state waters, does not apply to Black Sea Bass. In addition, there is no closed season on the catching of Black Sea Bass.

The committee gave a favorable with an amendment recommendation to [H.3774](#), legislation dealing with the **TIME LIMIT SUSPENSION OF REAL PROPERTY APPROVALS**. As a result of construction projects being approved in past years and not being able to move forward because of the economic crisis, this joint resolution applies retroactively for approved development that was current and valid on January 1, 2013; and it provides for extending these permit approvals through December 2017. This is a major effort to assist the construction/banking industry in this economic recovery period.

The committee gave a favorable with an amendment to [H. 3827](#), a bill relating to the **FINAL REVIEW OF A DECISION OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL DECISIONS BEFORE REQUESTING A CONTESTED CASE HEARING BEFORE THE ADMINISTRATIVE LAW COURT**. In an effort to streamline the South Carolina Department of Health and Environmental Control review process, the legislation outlines that the department decision is final fifteen calendar days after notice has been mailed, unless a written request for a contested case is filed with the Administrative Law Court. As a result, the challenge to the department's decision proceeds to the Administrative Law Court.

[H.3847](#), legislation amending the "**SOUTH CAROLINA MANUFACTURER RESPONSIBILITY AND CONSUMER CONVENIENCE INFORMATION TECHNOLOGY EQUIPMENT COLLECTION AND RECOVERY ACT OF 2010**", was given a favorable with an amendment recommendation by the committee. In an effort to reduce the unforeseen financial burden that has been placed on the counties due to electronic waste, the legislation outlines that counties will not be obligated to pay the cost. Among many things, the legislation outlines that manufacturers will submit a plan for the operation of a statewide recovery program for electronic recycling. The legislation also clarifies to include computer monitors in the labeling requirements as well as the recycling program requirements.

The committee gave a favorable with an amendment recommendation to [H.3925](#), a bill relating to **PROHIBITING THE DISCHARGE OF POLLUTANTS INTO THE ENVIRONMENT AND REMEDIES FOR VIOLATIONS**. The legislation outlines that any decision of the department with respect to which review could have been, but was not, obtained under this provision is not subject to judicial review in any civil or criminal proceeding.

EDUCATION AND PUBLIC WORKS

The full Education and Public Works Committee met on Tuesday, April 16, and reported out legislation.

[H.3752](#) received a favorable recommendation from the full Education and Public Works Committee. This legislation enacts the "**EXPANDED VIRTUAL LEARNING ACT**". The legislation changes references in law from the South Carolina Virtual School Program to a virtual education program. Also, the legislation removes limits on the number of online credits a student may be awarded under the program.

[H.3725](#) received a favorable with amendment recommendation from the full committee. This legislation enacts the "**SAFE ACCESS TO VITAL EPINEPHRINE (SAVE) ACT**" so as to allow public school district and private school governing authorities to obtain supplies of epinephrine auto-injectors, also known as EpiPens, for schools to provide or administer when necessary due to severe allergic reaction. The legislation authorizes certain healthcare professionals to prescribe and dispense these prescriptions in the name of a school; authorizes certain school personnel to provide epinephrine auto-injectors to students for self-administration in accordance with a prescription the student has on file; and authorizes certain school personnel to administer epinephrine auto-injectors to students and other people believed to be experiencing anaphylaxis regardless of prescription. The legislation requires participating school district and private school governing authorities in consultation with the State Department of Education and the Department of Health and Environmental Control to implement a plan for the management of students with life-threatening school allergies; the plan must be made available on the websites of the public school district and private school governing authorities and on the websites of schools. Among other things, the plan must include education and training for school personnel on the administration of an epinephrine auto-injector and techniques on how to recognize the symptoms of severe allergic reactions, including anaphylaxis. The legislation provides certain immunity from liability with regard to use of epinephrine auto-injectors by schools and development or implementation of a plan for the management of students with life-threatening allergies. Public school district and private school governing authorities may enter into agreements with manufacturers of epinephrine auto-injectors or third party suppliers in order to obtain these at fair-market, free, or reduced prices.

The Education and Public Works Committee gave a favorable with amendment report to [H.3853](#). This legislation makes various revisions pertaining to **CHARTER SCHOOLS**; highlights include the following. The legislation provides for greater accountability in both the application and school closing stages. The legislation requires charter school sponsors to adopt and follow national industry standards. The legislation adopts best practices, including requiring letters of intent to be filed by prospective charter schools prior to applications being submitted. Also, additional details must be included in charter school applications, such as an executive summary, descriptions of how standards will be met, start up plans, resumes of charter committee members, and information about the school's management team. The legislation creates alternative education campuses designed to serve at-risk and challenging student populations. Alternative education campuses may serve one of three categories of students: 1) students with severe limitations that preclude the administration of assessments, 2) fifty percent or more of the students have IEPs, or 3) ninety-five percent or more of the students are high-risk as defined by the legislation. Alternative education campuses are not subject to automatic closure, but may be closed if they fail to meet accountability standards or the provisions defined in their charter. Except for alternative education campuses, charter schools must automatically close at the conclusion of the school year if the schools receive the lowest performance level rating for three consecutive years. Administrative Law Courts will no longer be allowed to grant automatic stays of closures. The Charter School Advisory Committee is eliminated; the Committee is no longer necessary due to the creation and operation of the Statewide Charter School district. The State Department of Education is tasked with providing guidance on compliance to sponsors and applicants. Additionally, the legislation requires charter school sponsors to approve virtual school courses or courses for instruction; under current law, the Department of Education approves these courses.

S.10, relating to the **AUTHORITY OF SCHOOL TRUSTEES TO SELL OR LEASE SCHOOL PROPERTY FOR FISCAL YEAR 2012-2013**, received a favorable report. This legislation provides for Fiscal Year 2012-2013, school trustees of a school district that do not currently have the authority to do so, may sell or lease school property, real or personal, in the school district at any time they deem it expedient to do so and apply the proceeds of the sale or lease to the school fund of the district.

The full committee gave a favorable report to **H.3631**, relating to **GOLF CARTS**. This legislation moves existing golf cart provisions to Chapter 3 (Motor Vehicle Registrations and Licensing) of Title 56 (Motor Vehicles) so as to clarify that a violation of these provisions is subject to a misdemeanor penalty; last session legislation passed by the General Assembly moved these provisions out of Chapter 3 and placed them in Chapter 2 (Specialized Vehicles) of Title 56. Additionally, the legislation removes a restriction on golf carts only operating during daylight hours; the legislation provides that the night-time prohibition does not apply to a golf cart that is equipped with working headlights and rear lights. The legislation provides that the five dollar golf cart registration fee shall be retained by the Department of Motor Vehicles to defray expenses of producing and administering golf cart permits. Also, the legislation authorizes a political subdivision to prohibit golf cart operation when it determines that the prohibition is necessary in the interest of safety.

JUDICIARY

The full Judiciary Committee met on Wednesday, April 17, and reported out two bills.

H.3464 received a favorable with amendment recommendation from the full committee. This legislation relates to Department of Social Services child abuse and neglect removal actions, in particular the **EXPEDITED RELATIVE PLACEMENTS OF CHILDREN AT THE PROBABLE CAUSE HEARING FOR EMERGENCY PROTECTIVE CUSTODY**. If the court finds at the probable cause hearing that the department made reasonable efforts to prevent removal of the child and that continuation of the child in the home would be contrary to the welfare of the child, this legislation provides that the court may order expedited placement of the child with a grandparent or other relative of the first or second degree. In making this expedited placement decision, the legislation requires the court to consider the totality of the circumstances including, but not limited to, the individual's suitability, fitness, and willingness to serve as a placement for the child. If the court orders expedited placement of the child with a grandparent or other relative of the first or second degree, the individual may be added as a party to the action for the duration of the case or until further order of the court.

H.3945, comprehensive **ETHICS REFORM** legislation, received a favorable with amendment report from the full Judiciary Committee. Highlights of this legislation include the following.

South Carolina Commission on Ethics Enforcement and Disclosure

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This legislation creates a new twelve-member South Carolina Commission on Ethics Enforcement and Disclosure with jurisdiction over all executive and legislative officials and employees as well as lobbyists and lobbyist principles.

Commission members are both appointed and elected. The House of Representatives and Senate each elect four members, and the Governor appoints four members. Vacancies must be filled in the manner of original election. Also, the legislation provides eligibility requirements for commission members, which include being a college graduate and having ten years of experience in one of several specified areas. The legislation further requires the House and Senate to provide for application, screening and bi-partisan election processes. Among other things, Member of the General Assembly and other public officials are not eligible to serve on the Commission.

The legislation includes provisions pertaining to compensation and benefits for commission members, it also includes provisions pertaining to term of office and conduct while in office by commission members. Commission members receive an annual salary of \$12,000, and they may receive mileage and subsistence. Membership on the commission does not entitle commission members to participate in a state retirement system or to participate in the state employee insurance program. Members serve six year terms, and no person may serve consecutive terms. The legislation provides for staggered terms for initial commission membership. Commission members are prohibited from making political contributions and must conduct themselves in accordance with Canons of Judicial Conduct.

The legislation provides for the commission's powers and duties. Members of the commission elect their own chairman; they may elect a vice chairman and such officers as they consider necessary. The commission may employ and remove, at its pleasure, an executive director to administer the daily business of the commission. Among other things, the commission handles ethics complaints. The legislation provides procedures for handling these complaints, which includes requiring complaints to be in writing and subject to confidentiality. The legislation authorizes a panel of three commissioners (one appointed by each of the appointing authorities) to be assigned to oversee the internal investigation of a matter. The panel may issue subpoenas, compel testimony and make requests for additional information; the panel may also request assistance of specialized staff from the State Law Enforcement Division or Department of Revenue. Results of an investigation by the three member panel are presented to the full commission in executive session. Prior to a finding that a complaint is substantiated, the commission can issue a private reprimand, enter into a public consent order or dismiss the matter. If the full commission finds the complaint has been substantiated and is of a substantive nature, all records and information to the commission relating to the complaint and its investigation at this point become public information. The legislation allows individuals, after being notified of the existence of a complaint against them, to waive their right to confidentiality; partial waivers are not allowed. Once substantiated, the matter may be disposed of by public reprimand or proceed to hearing. All hearings must be conducted in public before the full commission.

The legislation repeals provisions relating to the current State Ethics Commission and the Senate and House of Representatives Ethics Committees. Note appropriations, assets and liabilities of the current State Ethics Commission are transferred to the new commission. Current employees of the State Ethics Commission may be considered for employment.

South Carolina Public Integrity Unit

The legislation establishes a South Carolina Public Integrity Unit, which consists of five partner members: (1) the Attorney General; (2) the Chief of the State Law Enforcement Division; (3) the Director of the Department of Revenue; (4) the Executive Director of the South Carolina Commission on Ethics and Disclosure; and (5) the Inspector General. The members may provide employees or staff from their respective agencies for the unit as necessary. The unit is an investigative partnership and not an adjudicating entity. Completed investigations that substantiate serious criminal conduct may be provided directly to the Attorney General or a solicitor. Substantiated investigations of a civil nature or deemed to be procedural error must be sent to the appropriate supervisory office. Unsubstantiated investigations must be returned to the entity that forwarded the investigation to the unit. The unit may accept investigations by referral only; referrals may be made by the South Carolina Commission on Ethics Enforcement and Disclosure; the Supreme Court; and any of the five partners. The stated intent of the General Assembly in creating this partnership is to maximize existing resources, expertise, and available information to coordinate investigations of alleged government corruption, unethical conduct, and violations of the public trust, all of which are imperative to preserving the faith of the public in its institutions.

Statement of Economic Interests

The legislation revises what a public official must disclose on a statement of economic interests. The legislation requires disclosure of the source and type of private income. The legislation requires disclosure of the source, type, and amount or value of private income received from governmental sources, lobbyist or lobbyist principles, representation before a governmental agency, or political sources. Additionally, the legislation revises definitions; the terms "business with which he is associated" and "individual with whom he is associated" are expanded to include all nature of business arrangements. This expands the amount of disclosure required of public officials through their statement of economic interests. Also, the definition of the term "governmental entity" is expanded to include federal sources; this requires the disclosure of federal income.

Other Provisions

The legislation expands regulation of lobbying to include activity at local levels of government (county, municipal and school board).

The legislation requires members of the General Assembly to offer detail associated with any recusals. Also, the legislation requires public officials that are required to recuse themselves from votes to do so at all levels of consideration.

The legislation authorizes public officials to represent clients before agencies if the matter can ultimately become a contested case and is, therefore, subject to review by the judicial system.

Currently, a candidate, committee, or ballot measure committee must maintain and preserve an account the occupation of each person making a contribution. The legislation provides that a written request for this information shall satisfy.

Legislative Update, April 23, 2013

The legislation provides that during the 20 day period prior to an election, a candidate, committee or ballot committee must electronically report a information about a contribution of more than \$250 or a contribution of less than \$250 when combined with all other contributions accepted from the person during the period have not been reported, exceed \$250. This electronic report must be made within forty-eight hours after receipt.

The legislation abolishes what is commonly referred to as leadership PACs by prohibiting contributions from one and repealing language that authorizes the creation of one.

The legislation provides that contributions received to retire campaign debt must be used for this purpose only.

The legislation prohibits the head of any state agency or department who is selected by the Governor, General Assembly or an appointed or elected board from engaging in fundraising activity.

The legislation prohibits campaign funds from being used to pay penalties and fines issued by the commission pursuant to a finding of misconduct or levied by a court as a result of any criminal convictions.

The legislation revises the definition of the term "committee" to assure that non-candidate groups that have previously been subject to disclosure are once more subject to disclosure.

The legislation includes provisions for qui-tam and related actions; provisions like these are sometimes referred to as a state false claims act. These provisions allow the State Attorney General, and individuals on the state's behalf if the state elects not to proceed with an action, to file civil cases to combat fraud, waste and abuse.

MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

The full Medical, Military, Public and Municipal Affairs Committee met on Tuesday, April 16, 2013, and reported out several bills.

The committee gave **H.3354**, a bill allowing copies of **DEATH CERTIFICATES** to be issued upon request from any regional county vital records office, a favorable with an amendment recommendation. The records must be made available in photographic or other suitable format for public viewing.

H.3366, a bill relating to the **AUTHORIZATION OF DISCLOSURE OF MEDICAL INFORMATION**, was given a favorable with an amendment recommendation by the full committee. A health care provider or the provider's agent shall provide on the patient information form an opportunity for the patient to designate a family member or other individual, designated by the patient, as a person with whom the provider may discuss the patient's medical condition and treatment plan. Nursing homes are exempted from this provision. This legislation satisfies the Federal requirements relating to public health and the privacy rule of the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

H.3618, legislation dealing with physicians' supervisory relationship requirements with **PHYSICIAN ASSISTANTS**, was given a favorable with an amendment recommendation by the committee. The legislation states that a licensed physician who accepts the responsibility to supervise a physician assistant's activities, must enter into a supervisory relationship with a physician assistant. The physician must notify the Board of Medical Examiners of South Carolina, in writing, of the proposed supervisory relationship and include the proposed scope of practice guidelines for the relationship. The legislation further outlines that no more than three full-time physician assistants can be supervised by a supervising physician. A physician assistant may practice in a public place, a private place, or a facility where the supervising physician regularly sees patients, may make house calls, perform hospital duties, and perform any functions performed by the supervising physician if the physician assistant is also qualified to perform those functions. A physician assistant may authorize prescriptions for an orally administered Schedule II controlled substance under certain requirements.

The full committee gave approval to **H.3263**, a bill which enacts the "**SOUTH CAROLINA MILITARY PREPAREDNESS AND ENHANCEMENT ACT**". The "South Carolina Military Preparedness and Enhancement Act" is a proactive response to the presently evolving transformation of national defense strategies. As a result, the South Carolina Military Preparedness and Enhancement Commission will be established within the Governor's Office. The commission will advise the Governor and the General Assembly on military issues and economic and industrial development related to military issues and make recommendations. The legislation provides for an eleven-member commission. Not later than July first of each year, the commission shall prepare and submit a report to the Governor and the General Assembly about the active military installations, communities that depend on military installations, and defense related businesses in this state. The legislation also establishes the South Carolina Military Value Revolving Loan Account which the commission can provide loans to assist defense communities to enhance the value of military facilities. The legislation also allows for the commission to accept grants and/or gifts to help with this effort.

LABOR, COMMERCE AND INDUSTRY

The Labor, Commerce and Industry Committee met on Tuesday, April 16, and gave a report of favorable with amendments on **H.3751**, pertaining to **TRADE ADJUSTMENT ASSISTANCE EXTENSION ACT FEDERAL MANDATES**. The legislation conforms state law to federal mandates imposed by the United States Congress with the enactment of the Trade Adjustment Assistance Extension Act of 2011, including new mandatory integrity requirements for the state's unemployment insurance program. The legislation establishes a the Department of Employment and Workforce integrity fund that is to be used in initiatives for preserving the integrity of the unemployment compensation fund that include identifying overpayments, verifying eligibility, determining status, and updating technology and education tools to support integrity activities.

WAYS AND MEANS

Legislative Update, April 23, 2013

The Ways and Means Committee met on Wednesday, April 17, and reported out several bills.

The committee gave a favorable report on **H.3223**, a bill that redesignates the Legislative Printing, Information and Technology Systems (LPITS) as the **LEGISLATIVE SERVICES AGENCY (LSA)**.

The committee gave a favorable report on **H.3258**, a bill authorizing the **DONATION OF STATE EMPLOYEE LEAVE TO A SPECIFIC RECIPIENT**. This bill provides that a leave donor under the State Employees Leave Transfer Program may also donate sick leave and/or annual leave to a specific leave recipient rather than to the leave pool account in the manner the Human Resource Management Division shall direct.

The committee gave a favorable report on **H.3860**, a bill providing for **CONSOLIDATED PROCUREMENT CODE REVISIONS** that are geared towards allowing smaller businesses to compete with larger businesses that have the means to retain a wide array of professional and occupational license holders on their staffs. The legislation revises project delivery methods authorized for procurement of infrastructure facilities under the South Carolina Consolidated Procurement Code, so as to provide that an entity or individual offering to contract for design-build, design-build-operate-maintain, or design-build-finance-operate-maintain project delivery methods is not required to hold a professional or occupational license otherwise required by law, so long as the person who actually performs the regulated work holds the appropriate license. The legislation revises bond and security requirements under the Consolidated Procurement Code, so as to require performance and payment bonds equal to one hundred percent of the value of designated portions of construction, prior to the commencement of work on those portions of the project.

The committee gave a favorable report on **H.3784**, a bill making revisions that address recent budgetary shortfalls experienced by the **NATIONAL GUARD COLLEGE ASSISTANCE PROGRAM**. The legislation revises provisions governing the National Guard College Assistance Program, so as to clarify that each academic year's annual maximum grant must be based on the amount of available program funds. The legislation revises program qualification requirements, to provide that national guard members become eligible for college assistance program grants upon completion of basic training and advanced individual training. The legislation allows appropriations to the National Guard College Assistance Program to be carried forward to a subsequent fiscal year and expended for the same purpose. Appropriations to the National Guard College Assistance Program are exempted from midyear budget reductions.

The committee gave a report of favorable with amendments on **H.3896**. This bill revises **LIMITATIONS ON TUITION INCREASES UNDER THE SOUTH CAROLINA TUITION PREPAYMENT PROGRAM**, so as to provide that, beginning with the 2013-2014 school year, a public institution of higher learning in this state shall accept as full payment of all tuition and fees due for those in-state undergraduate students whose tuition and fees are paid pursuant to a tuition prepayment contract under the Tuition Prepayment Program the amount of tuition and fees charged in-state undergraduate students for school year 2008-2009 who did not participate in the program. Under the legislation, the South Carolina Tuition Prepayment Program shall continue to pay tuition and fees for students participating in the program who attend in-state private institutions or out-of-state institutions on the weighted average tuition (WAT) amount basis.

The committee gave a report of favorable with amendments on **H.3561**, a bill providing for **ACCOMMODATIONS TAX REVISIONS**. The legislation revises accommodations tax provisions, to remove room service, amenities, entertainment, special items in promotional tourist packages, in room movies, and other guest services from the list of items subject to the five percent tax on additional surcharges. Under the revisions, the additional tax would continue to apply only to charges for room service, laundering and dry cleaning services, in-room movies, telephone service, and rentals of meeting rooms.

The committee gave a favorable report on **H.3632**, a bill relating to **WORKERS' COMPENSATION COMMISSION FUNDING**. This bill authorizes the Workers' Compensation Commission to retain a portion of the annual revenue of the maintenance tax imposed on self insurers as well as half of the interest charged on delinquent maintenance tax in order to pay the salaries and expenses of the commission.

The committee gave a report of favorable with amendments on **H.3796**, a bill revising the **COLLECTION OF FEES FOR PRIVATE PASSENGER VEHICLE TRUCKS**. The legislation establishes provisions allowing someone to submit an affidavit attesting that a truck, within certain weight limits, that he owns or leases is exclusively for personal use so that the truck is subject to fees for private passenger vehicles rather than the fee schedule established for commercial vehicles.

The committee gave a report of favorable with amendments on **H.3093**, the "**SOUTH CAROLINA ABANDONED BUILDINGS REVITALIZATION ACT**". The legislation establishes provisions allowing a taxpayer making qualifying investments in the rehabilitation of an abandoned building to receive income tax credits or credits against property tax liability in an amount comprising up to twenty-five percent of rehabilitation costs.

The committee gave a report of favorable with amendments on **H.3357**, a bill providing for **MOTION PICTURE PRODUCTION TAX REBATE ENHANCEMENTS**. The legislation increases tax rebates to a motion picture production company by the South Carolina Film Commission, by providing that the rebate may not exceed twenty, rather than the current fifteen, percent of the total aggregate payroll for qualifying persons subject to South Carolina income tax withholdings, and may not exceed twenty-five percent for South Carolina residents, for persons employed in connection with the production when total production costs in South Carolina are at least one million dollars during the taxable year. The legislation allows a rebate of up to thirty, rather than the current fifteen, percent of qualifying expenditures made by a motion picture production company with a minimum in-state expenditure of one million dollars.

The committee gave a report of favorable with amendments on **H.3505**, the "**HIGH GROWTH SMALL BUSINESS ACCESS TO CAPITAL ACT OF 2013**". The legislation establishes provisions for state nonrefundable income tax credits to encourage those who act as "angel investors" by providing early stage capital for emerging high-growth enterprises in such areas as manufacturing, processing, warehousing, wholesaling, software development, and information technology services.

The committee gave a favorable report on **H.3767**, a bill providing an **ACCOMMODATIONS TAX EXEMPTION FOR CERTAIN RENTALS OF PERSONAL RESIDENCES**. The legislation provides that the two percent state sales tax imposed on

accommodations does not apply to gross proceeds from rentals received by persons renting their personal residence for fewer than fifteen days total in a year if the gross proceeds of the rental income are excluded from federal taxable income.

The committee gave a favorable report on **H.3125**, the “**MICROENTERPRISE DEVELOPMENT ACT**”. The legislation provides for the Department of Commerce to establish the Microenterprise Partnership Program to promote and facilitate the development of microenterprises, which are businesses, whether new or existing, including startup, home-based, and self employment, with five or fewer employees. The legislation establishes a procedure for the Department to award grants to community organizations to make loans and develop loan sources. The legislation provides that appropriated funds may be awarded as a grant to microloan delivery organizations and that such grants must be matched by nonstate funds. The legislation establishes the purpose for which grant funds may be expended and specifies certain provisions that must be in a contract between the Department and a statewide microlending support organization. An annual report must be submitted to the Governor and the General Assembly.

The committee gave a report of favorable with amendments on **H.3410**, a bill that provided for the **TRANSFER OF THE REGIONAL EDUCATION CENTERS** established by the Education and Economic Development Coordinating Council to the Department of Commerce.

The committee gave a favorable report on **H.3557**, a bill providing for the **EXPANSION OF THE TAX CREDIT FOR PORT CARGO VOLUME INCREASE**. The legislation expands the types of businesses that qualify for the tax credit for port cargo volume increase so that the credit also applies to businesses engaged in freight forwarding, freight handling, goods processing, cross docking, transloading, or wholesaling of goods. The Coordinating Council for Economic Development is afforded discretion in awarding credits. The legislation provides that taxpayers engaged in the movement of goods imported or exported through South Carolina’s port facilities may be eligible for the credit if the cargo supports a presence in the state and meets other job and capital investment requirements.

The committee gave a report of favorable with amendments on **H.3644**, a bill establishing provisions for **CLEAN ENERGY INDUSTRY MARKET DEVELOPMENT**. This bill establishes within the Division of State Development of the Department of Commerce the Clean Energy Industry Market Development Advisory Council and provide for its membership and functions. The legislation revises the Renewable Energy Tax Credit Incentive Program, so as: to redesignate the program the South Carolina Clean Energy Tax Incentive Program; to revise definitions to extend the credit to additional forms of energy production and operations; to decrease investment thresholds and decrease job creation thresholds for qualifying for the credit and make the credit, previously due to expire December 31, 2015, available through 2019; and, to revise credit administration procedures. The legislation revises the income tax credit for corn-based ethanol or soy-based biodiesel production in this state, so as to extend the credit to all liquid fuels derived from renewable sources, make conforming definitions, reduce the amount of liquid fuel eligible for the credit, and extend the period during which the credit may be claimed through 2019.

The committee gave a favorable report on **H.3783**, a bill that revises **CRITERIA FOR THE ADMISSIONS LICENSE TAX EXEMPTION FOR A MOTORSPORTS ENTERTAINMENT COMPLEX** by establishing the requirement that the complex be a NASCAR sanctioned speedway that hosts at least one race each year featuring the preeminent NASCAR cup series, instead of the current requirement that the speedway have at least sixty thousand seats for race patrons.

The committee gave a report of favorable with amendments on **H.3027**, a bill to provide for the **EXPANSION OF THE OWNER-OCCUPIED RESIDENTIAL PROPERTY TAX ASSESSMENT RATIO ELIGIBILITY FOR MILITARY PERSONNEL**. The legislation provides that an active duty member of the Armed Forces of the United States who receives the special assessment ratio for owner-occupied residential property retains this four percent assessment ratio as long as the owner remains on active duty, regardless of the owner's subsequent relocation or change of duty station and regardless of any rental income attributable to the property. The legislation also provides that an eligible active duty member of the U.S. Armed Forces who receives orders for a permanent change of station or a temporary duty assignment for at least one year, may claim the four percent assessment ratio and applicable exemptions for two residential properties located in the State for up to two years so long as the owner is attempting to sell the first acquired residence. These provisions also include the spouse of the service member who jointly owns the qualifying property.

The committee gave a report of favorable with amendments on **H.3502**, a bill relating to the **TRANSFER OF PRIVATELY DONATED FUNDS OR PROPERTY BY THE CITADEL BOARD OF VISITORS TO A NONPROFIT ELEEMOSYNARY CORPORATION ESTABLISHED BY THE BOARD**. The legislation removes the current twenty million dollar limit on the amount of funds or property privately donated to the college, and income or proceeds derived from them, that the board may transfer to the corporation.

BILLS INTRODUCED IN THE HOUSE THIS WEEK

AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

H.3984 "ENERGY INDEPENDENCE AND SUSTAINABLE CONSTRUCTION ACT OF 2007" Rep. Hardwick

The legislation amends the "Energy Independence and Sustainable Construction Act of 2007" to add that a major facility project requesting third party certification may not seek a rating point that would discriminate against wood products of this state derived from forestlands certified by the Sustainable Forestry Initiative or the American Tree Farm System.

H.3985 "DANGEROUS WILD ANIMALS ACT" Rep. J. E. Smith

In an effort to protect the public against health and safety risks that dangerous wild animals pose to the community and to protect the welfare of the individual animals held in private possession, this bill enacts the "Dangerous Wild Animals Act". The legislation provides for certain terms and prohibit certain persons from owning, possessing or coming into contact with a dangerous wild animal.

H.3987 "SOUTH CAROLINA FOOD AND COSMETIC ACT" Rep. Goldfinch

This bill revises the definition of "food" to include seafood and to define the terms "seafood" and "local seafood" under the "South Carolina Food and Cosmetic Act". The bill also provides that a retail or wholesale establishment is prohibited from selling seafood while knowingly and willfully misrepresenting the identity of the seafood to its patrons.

EDUCATION AND PUBLIC WORKS

S.417 "MILITARY SERVICE OCCUPATION, EDUCATION, AND CREDENTIALING ACT" Sen. Alexander

This legislation enacts the "Military Service Occupation, Education, and Credentialing Act" so as to authorize a public, post-secondary institution of higher education in this state to award educational credit to an honorably discharged member of the armed forces for a course that is part of his military training or service, subject to certain conditions. The legislation requires the institution to implement related policies and regulations within a specified time frame. Additionally, the legislation provides for miscellaneous licensure provisions for military personnel. A person licensed by board or commission under the Department of Labor, Licensing and Regulation is exempt from continuing education requirements and fee assessments during active duty in the United States Armed Forces. The legislation allows a board or commission to issue a temporary professional license to the spouse of an active duty member of the United States Armed Forces in certain circumstances, and it provides that a board or commission may accept certain coursework or experience obtained during the course of military service to satisfy related professional or occupational education or training licensure requirements. The legislation repeals Section 40-1-75 relating to exempting active duty military personnel from continuing education requirements, and Section 40-1-77 relating to temporary professional or occupational licenses for military spouses, the substance of which are incorporated into the legislation.

H.3955 SCHOOL CALENDAR Rep. Erickson

This legislation allows a local school district board of trustees to establish its calendar based on a statutory term of 180 days of instruction or the equivalent number of instructional hours. Other references pertaining to the statutory school term are also updated to reflect not just days but an equivalent number of hours. Among other things, this legislation provides that the statutory school term consists of a minimum of 180 days of instruction or the equivalent of 1,170 instructional hours and ten additional days or the equivalent of 60 hours for secondary schools or 1,080 hours and ten additional days or the equivalent of 60 hours for elementary schools. A local school district may decide how best to structure the instructional day and how many days of instruction comprise the school year, in that the local school district calendar includes instructional days to coincide with official testing dates as set by the South Carolina Department of Education for the administration of the statewide testing program. The number of instructional

hours in an instructional day may vary according to local board policy and does not have to be uniform among schools in the district. However, the opening date for students may not be before the third Monday in August, except for schools that operate on a year-round modified school calendar.

H.3961 *AUTISM AWARENESS SPECIAL LICENSE PLATES* Rep. Wood

This legislation allows the Department of Motor Vehicles to issue "Autism Awareness" special license plates.

**H.3980 *TRANSPORTATION OF UNPROCESSED FOREST PRODUCTS*
Rep. Daning**

This legislation requires the Department of Transportation to issue permits that allow certain vehicles and trailers to transport unprocessed forest products.

H.3994 *"SOUTH CAROLINA READ TO SUCCEED ACT"* Rep. Patrick

This legislation enacts the "South Carolina Read to Succeed Act" so as to create the South Carolina Read to Succeed Office within the Department of Education to offer a comprehensive, systemic approach to reading. The legislation creates a Reading Proficiency Expert Panel to assist the office and provides for the composition of this panel. The legislation requires the State Department of Education, in consultation with the Reading Proficiency Expert Panel and with approval by the State Board of Education, to develop, implement, evaluate, and continuously refine a comprehensive state plan to improve reading achievement in public schools. Among other things, the legislation provides that beginning with the 2016-2017 school year, a student must be retained in the third grade if the student fails substantially to demonstrate third-grade reading proficiency at the end of the third grade.

**H.3995 *STATEWIDE TRANSPORTATION IMPROVEMENT PROGRAM*
Rep. G. M. Smith**

Relating to the Statewide Transportation Improvement program, this legislation revises the criteria and the mandatory priority list for selecting certain transportation improvement projects and nonmetropolitan area projects.

JUDICIARY

S.37 *ELECTION LAW REVISIONS* Sen. Campsen

Relating to the required notice for general, municipal, special, and primary elections, this legislation (1) changes the posted time at which absentee ballots may begin to be examined from 2:00 p.m. to 9:00 a.m., and (2) provides in the event the election is postponed, the election shall be held on the first Tuesday after the originally scheduled election day. Relating to the date by which the party chairman, vice chairman, or secretary must provide written certification of the candidates' names to the State Election Commission, this legislation changes the date from April ninth to April fifth. Relating to special elections, this legislation provides that if the Governor declares a state of emergency covering an entire jurisdiction holding an election, the election must be postponed and held on the following Tuesday. Relating to the certification of candidates, this legislation changes the date by which candidates for President and Vice President must be certified to the State Election Commission from September tenth to the first Tuesday following the first Monday in September.

H.3948 "DILAPIDATED BUILDINGS ACT" Rep. Brannon

This legislation enacts the "Dilapidated Buildings Act", which allows a municipality to bring a cause of action against the owner of property not in substantial compliance with one or more municipal codes regarding: (1) prevention of substantial risk of injury to a person; (2) condition of the property constitutes an imminent danger to the public health or safety; or (3) public nuisance, building code, or sanitary code. The legislation identifies who may serve as a court-appointed receiver for property subject to this cause of action, and it designates the powers of a court-appointed receiver. The legislation establishes reporting requirements of the municipality concerning a violation against which the municipality may bring a cause of action under this legislation. The legislation provides remedies and procedures.

H.3956 DEFINITIONS IN THE ALCOHOLIC BEVERAGE CONTROL ACT

Rep. Horne

Relating to definitions in the Alcoholic Beverage Control Act, this legislation revises the definition of "furnishing lodging" to provide for at least eighteen instead of twenty rooms that a business must offer for accommodations on a regular basis.

H.3958 LAW ENFORCEMENT TRAINING COUNCIL Rep. Quinn

Relating to the Law Enforcement Training Council, this legislation provides that Chapter 23, of Title 23 also relates to the Criminal Justice Academy. The legislation provides definitions for the terms "academy" and "director", corrects certain references, and makes technical changes. Relating to the qualifications for the election of and training for coroners, the legislation substitutes the term "South Carolina Criminal Justice Academy" for the term "Department of Public Safety". Relating to reserve detention officers, this legislation substitutes the term "South Carolina Criminal Justice Academy" for the term "Department of Public Safety". Relating to the conditional release of a juvenile and the employment of probation counselors, the legislation substitutes the term "South Carolina Law Enforcement Training Council" for the term "Department of Public Safety", and it corrects certain references.

H.3959 REVISIONS TO OFFENSES RELATING TO SEXUAL EXPLOITATION OF A MINOR Rep. Kennedy

Relating to first degree sexual exploitation of a minor, this legislation includes the appearance of a minor in a state of sexually explicit nudity in the purview of the offense. Relating to second degree sexual exploitation of a minor, this legislation includes the appearance of a minor in a state of sexually explicit nudity in the purview of the offense and increases the maximum penalty from ten to fifteen years. Relating to third degree sexual exploitation of a minor, this legislation includes the appearance of a minor in a state of sexually explicit nudity in the purview of the offense.

H.3974 DISCLOSURE OF RECORDS AND RETURNS FILED WITH THE DEPARTMENT OF REVENUE Rep. Loftis

Relating to the disclosure of records and returns filed with the Department of Revenue, this legislation allows the disclosure of certain information to the Secretary of State about a taxpayer who filed an initial or final corporate return. The legislation further allows the Department of Revenue to expunge the recording of a lien once the lien is fully paid and satisfied.

**H.3993 REVISIONS TO THE RELIGIOUS VIEWPOINTS
ANTIDISCRIMINATION ACT Rep. Daning**

Relating to the Religious Viewpoints Antidiscrimination Act, this legislation requires schools to provide a limited public forum for student speakers at certain events in a certain time, place, and manner, subject to existing exceptions for graduation ceremonies and school-sponsored athletic events.

LABOR, COMMERCE AND INDUSTRY

**S.465 SMALL EMPLOYER HEALTH INSURANCE AVAILABILITY ACT
ELIGIBILITY Sen. Hayes**

This bill revises the definition of an “eligible employee” under the Small Employer Health Insurance Availability Act.

**H.3960 EMPLOYERS PARTICIPATING IN A MULTIPLE EMPLOYER
SELF-INSURED HEALTH PLAN REQUIRED TO EXECUTE HOLD
HARMLESS AGREEMENTS Rep. Sandifer**

This bill establishes provisions requiring employers participating in a multiple employer self-insured health plan to execute hold harmless agreements in which the employer agrees to pay all unpaid portions of insured claims.

**H.3964 DEBIT CARD USE MUST BE CONSIDERED THE SAME AS CASH IN
RETAIL SALES OF MOTOR FUELS Rep. Williams**

This bill provides that any person that is in the business of selling motor fuel at retail in this state and charges different prices for the purchase of motor fuel based on the form of payment, must consider a debit card the same as cash, and charge the purchaser the same as if the purchaser paid with cash.

MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

H.3949 PRACTICE OF DENTISTRY Rep. Felder

The bill includes tooth whitening within the Practice of Dentistry. Tooth whitening means the practice of whitening a tooth beyond its natural color by use of a dental bleaching agent that contains more than ten percent carbide peroxide or more than five percent hydrogen peroxide.

WAYS AND MEANS

**S.163 MOTION PICTURE PRODUCTION TAX REBATE ENHANCEMENTS
Sen. Campbell**

This bill increases tax rebates to a motion picture production company by the South Carolina Film Commission, by providing that the rebate may not exceed twenty, rather than the current fifteen, percent of the total aggregate payroll for qualifying persons subject to South Carolina income tax withholdings, and may not exceed twenty-five percent for South Carolina residents, for persons employed in connection with the production when total production costs in South Carolina are at least one million dollars

during the taxable year. The legislation allows a rebate of up to thirty, rather than the current fifteen, percent of qualifying expenditures made by a motion picture production company with a minimum in-state expenditure of one million dollars. The legislation disallows tax rebates for motion pictures that are rated NC-17 by the Motion Picture Association of America.

S.334 IDENTITY THEFT PROTECTION AND STATE INFORMATION SECURITY Sen. Leatherman

This bill charges the Governor with the responsibility of developing a protection plan to minimize the actual and potential costs and effects of identity theft perpetrated upon all individuals impacted by the Department of Revenue data security breach of 2012 by providing identity theft protection and identity theft resolution services free of charge. The Governor shall develop and implement a policy that is designed to ensure the safety of all personally identifiable information in possession of the Department of Revenue that includes the encryption of personally identifiable information both during transmission and at rest. The legislation establishes a state income tax deduction covering the actual costs, but not exceeding three hundred dollars for an individual taxpayer, and not exceeding one thousand dollars for a joint return or a return claiming dependents, incurred by a taxpayer in the taxable year to purchase a monthly or annual contract or subscription for identity theft protection and identity theft resolution services. The legislation creates within the Department of Consumer Affairs the Identity Theft Unit to promote the protection of individuals' personal information, establish programs to inform the public with respect to identity theft, identity fraud and related unlawful conduct or practices, and provide identity theft and fraud resolution services to victims. The legislation establishes within the Budget and Control Board the Division of Information Security that is dedicated to the protection of the state's information and cyber security infrastructure, including the identification and mitigation of vulnerabilities, deterring and responding to cyber events, and promoting cyber security awareness within the state. The new division is to be directed by a Chief Information Security Officer appointed by the Governor with the advice and consent of the Senate for a term of four years. The Chief Information Security Officer shall develop cyber security policies, guidelines, and standards and shall oversee the implementation of and compliance with established standards. The legislation establishes a seven-member Technology Investment Council charged with the duties relating to the adoption of policies and procedures used to develop, review, and annually update a statewide technology plan. The legislation creates a Joint Information Security Oversight Committee in the General Assembly to conduct a continuing study of the laws of this State affecting cyber security, including the receipt of information from the Division of Information Security regarding impediments to improved cyber security. The legislation creates in the State Treasury the Spartanburg County Amusement Train Disaster Relief Fund to compensate victims of the amusement train derailment in Cleveland Park in Spartanburg County on March 19, 2011, for medical costs not covered by insurance or other means which exceed the individual victim's share of the maximum amount recoverable from a governmental entity for a single occurrence under the Tort Claims Act.

S.401 TRANSFER OF PRIVATELY DONATED FUNDS OR PROPERTY BY THE CITADEL BOARD OF VISITORS TO A NONPROFIT ELEEMOSYNARY CORPORATION ESTABLISHED BY THE BOARD Sen. O'Dell

This bill revises provisions relating to the transfer of privately donated funds or property by the Citadel Board of Visitors to a nonprofit eleemosynary corporation established by

the Board by removing the current twenty million dollar limit on the amount of funds or property privately donated to the college, and income or proceeds derived from them, that the Board may transfer to the corporation.

S.484 *DISABILITY RETIREMENT FOR MEMBERS OF THE POLICE OFFICERS*

***RETIREMENT SYSTEM* Sen. Setzler**

This bill revises provisions relating to disability retirement for members of the Police Officers Retirement System, so as to eliminate the requirement that certain members be eligible for, and provide proof of, Social Security benefits to continue to receive a disability benefit.

H.3975 *“LOCAL OPTION SCHOOL OPERATING MILLAGE PROPERTY TAX CREDIT ACT”* Rep. Herbkersman

This bill enacts the “Local Option School Operating Millage Property Tax Credit Act” to establish provisions that allow 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.

H.3978 *MEDICAID NURSING HOME PERMITS* Rep. White

This bill revises provisions relating to Medicaid Nursing Home Permits so as to: define “Medicaid permit day”; specify the manner in which additional Medicaid permit days are allocated; set forth compliance standards and penalties for violations; and, provide certain reporting requirements.

H.3983 *“SOUTH CAROLINA RURAL COUNTY ACCESS TO EMERGENCY HEALTH CARE ACT”* Rep. Sellers

This bill enacts the “South Carolina Rural County Access to Emergency Health Care Act” for the purpose of assisting rural counties in having quality emergency health care available to residents to promote health, well being, and quality of life and assisting health care providers in making emergency health services available in rural counties. The legislation establishes provisions under which a hospital located in a rural county that has closed and relinquished its license to operate within three years from the date of closure may reopen the hospital for purposes of converting to a freestanding emergency facility without having to obtain a Certificate of Need that would otherwise be required under the "State Certificate of Need and Health Facility Licensure Act".

H.3986 *LOCAL GOVERNMENT BUSINESS LICENSE TAXES* Rep. Rivers

This bill prohibits a municipality from imposing any tax or charging any fee for the privilege of operating a business inside the municipality and requires a county that imposes a license tax must remit any collections from a business license tax collected from a business located inside the corporate limits of a municipality to the municipality in which the business is located.

H.3990 *UNLAWFUL LOTTERIES AND GAMBLING* Rep. Herbkersman

This bill provisions relating to gambling and lotteries, so as to: add definitions for the regulation of gambling; make uniform penalties for unlawful lotteries and gambling; allow

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for recovery of gambling losses under certain circumstances; provide a procedure for the destruction of certain illegal gambling devices; and require qualified amusement games to be licensed by the Department of Revenue.

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