



South Carolina House of Representatives

Legislative Update

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

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CONTENTS

HOUSE WEEK IN REVIEW	02
HOUSE COMMITTEE ACTION	13
BILLS INTRODUCED IN THE HOUSE THIS WEEK.....	23

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HOUSE WEEK IN REVIEW

The House of Representatives amended and gave second reading approval to **H.3176**, legislation making **ELECTION LAW REVISIONS** including new **EARLY VOTING PROVISIONS**. The legislation requires that an early voting procedure be established for all elections conducted in the state that allows any qualified voter to cast a ballot, without excuse, at an early voting center during a period that begins nine days before an election and ends the day prior to the election, excluding Sundays. Each county board of registration and elections must establish one early voting center which must be supervised by election commission employees and located in a public building within the county seat or another location that is as centrally located for the entire county as possible. The county board of registration and elections shall determine the hours of operation for the early voting center; however, the early voting center must be open for two Saturdays within the early voting period for statewide primaries and general elections, and the center must be open a minimum of five hours between the hours of 9:00 a.m. and 5:00 p.m. each day it is open for voting. The early voting center must close at 5:00 p.m. on the final day of early voting, the Monday immediately preceding election day. Posting are required at the centers regarding the criminal penalties for voting more than once.

H.3176 revises provisions for voting by absentee ballot, allowing absentee ballots to be cast by qualified voters in any of the following categories: (1) students, their spouses, and dependents residing with them; (2) members of the Armed Forces and Merchant Marines of the United States, their spouses, and dependents residing with them; (3) persons serving with the American Red Cross or with the United Service Organization (USO) who are attached to and serving with the Armed Forces of the United States, their spouses, and dependents residing with them; (4) physically disabled persons who are, pursuant to certification by a physician, unable to vote in person because of their physical disability at either a polling place or early voting center; (5) overseas citizens; (6) persons sixty-five years of age or older; (7) persons confined to a jail or pretrial facility pending disposition of arrest or trial; (8) certified poll watchers, poll managers, county voter registration board members and staff, county and state election commission members and staff working on election day; (9) persons admitted to hospitals as emergency patients on the day of an election or within a four-day period before the election; (10) persons who will be serving as jurors in a state or federal court on election day; or (11) persons on vacation (who by virtue of vacation plans will be absent from their county of residence on election day). The legislation eliminates provisions authorizing the use other methods of voting by absentee ballot instead of by paper ballot, and requiring that any voting machine or voting system, other than a paper-based system, must be certified by the State Election Commission in order for it to be used for in-person absentee voting. The legislation eliminates provisions for the State Election Commission's voting system approval process.

H.3176 establishes a streamlined election calendar which allows elections conducted in the state to be held only on one of the four following days: (1) the second Tuesday in March; (2) the second Tuesday in June; (3) the second Tuesday in September; or (4) the Tuesday after the first Monday in November.

H.3176 includes provisions for the name of a candidate for an office to appear only once on the ballot even if the candidate has received nominations for the office from multiple parties.

H.3176 takes effect upon approval by the Governor, subject to obtaining preclearance from either the United States Department of Justice or the United States Court of Appeals of the District of Columbia, pursuant to the Voting Rights Act of 1965. However, if any portion of the act fails to gain preclearance, the other portions of the act shall not take effect.

The House amended **H.3101**, legislation **PROHIBITING THE ENFORCEMENT OF THE FEDERAL PATIENT PROTECTION AND AFFORDABLE CARE ACT IN THE STATE** and declaring that the General Assembly of South Carolina has the sovereign authority to refuse to enforce the provisions this federal health care legislation insofar as its scope exceeds the powers delegated to the federal government under the United States Constitution. The legislation provides that no agency of the State, officer or employee of this State, acting on behalf of the state, may engage in an activity that aids any agency in the enforcement of those provisions of the Patient Protection and Affordable Care Act of 2010, including any of its subsequent amendments, that exceed the authority of the United States Constitution. The legislation provides that the General Assembly is empowered to take all necessary actions to ensure that this prohibition on enforcement is adhered to by all agencies, departments, and political subdivisions of the State. The legislation establishes a protocol authorizing the Attorney General, when he has reasonable cause to believe that a person or business is being harmed by implementation of the Patient Protection and Affordable Care Act and that proceedings would be in the public interest, to bring an action in the name of the State against such person or entity causing the harm to restrain by temporary restraining order, temporary injunction, or permanent injunction the use of such method, act, or practice. The action may be brought in a court of competent jurisdiction. Whenever the court issues a permanent injunction in connection with an action, which has become final, the court shall award reasonable costs to the State. The legislation includes provisions authorizing state tax deductions for South Carolina taxpayers to offset taxes and penalties paid to the federal government because of Patient Protection and Affordable Care Act requirements. Neither South Carolina nor its political subdivisions, including counties, municipalities, and special purpose districts, may establish a Health Care Exchange for the purchase of health insurance or participate in or purchase insurance from a health care exchange established by a nonprofit organization. Any health insurance contract purchased or established in violation of this prohibition is void and must not be enforced by the courts of this State. No agency, department, or other state entity, including the Department of Social Services and the Department of Health and Human Services, may authorize an employee, contractor, vendor, or any other person acting on behalf of the department to conduct or participate in an involuntary maternal, infant, and early childhood in-home visitation under the Patient Protection and Affordable Care Act of 2010 or related provisions.

The House amended, approved, and sent the Senate **H.3725**, the "**SAFE ACCESS TO VITAL EPINEPHRINE (SAVE) ACT**" which allows the state's public and private schools to maintain supplies of epinephrine auto-injectors, also known as EpiPens, in stock and affords schools greater authority to administer this potentially life-saving medication to those who are experiencing severe allergic reactions. The legislation establishes a protocol that allows physicians and certain other healthcare professionals to prescribe epinephrine auto-injectors maintained in the name of a school as a stock supply to be

used by school nurses and other designated school personnel, including employees and volunteers, who have completed required training on the proper use of these epinephrine auto-injectors and how to recognize the symptoms of severe allergic reactions, including anaphylaxis. The governing authority of a school district or private school may authorize school nurses and other designated school personnel to administer an epinephrine auto-injector to a student in accordance with a prescription that is on file or provide an epinephrine auto-injector to a student with such a prescription for self-administration. These approved individuals may also be authorized to administer an epinephrine auto-injector to a student or anyone else on the premises 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 that must be made available online and must include the education and training required for designated school personnel. The legislation affords certain immunity from legal liability regarding this use of epinephrine auto-injectors in schools. 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 House approved and sent the Senate **H.3263**, the “**SOUTH CAROLINA MILITARY PREPAREDNESS AND ENHANCEMENT ACT**”. The legislation is offered as a proactive response to the presently evolving transformation of national defense strategies that involves consideration of military base closures. The legislation establishes the South Carolina Military Preparedness and Enhancement Commission within the Governor’s Office to advise the Governor and the General Assembly on military issues and related economic and industrial development issues. The eleven-member commission is charged with making an annual 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 use to 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.

The House amended, approved, and sent to the Senate **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 House concurred in Senate amendments to **H.3568** and enrolled the bill for ratification. The legislation establishes **ENHANCED PENALTIES FOR BYPASSING UTILITY METERS AND TAMPERING WITH UTILITIES** in order to target practices that are used to provide power, water, or heat for illegal drug manufacturing and growing operations. This legislation increases the penalties for repeat offenders who alter, tamper with, or bypass electric, gas or water meters. The legislation creates an offense of tampering with these meters for profit, and it provides a graduated penalty scheme when the tampering results in substantial property damage or the risk or great bodily injury or death. The legislation also creates an offense of tampering with meters in conjunction with growing or manufacturing illegal drugs. The legislation increases penalties for repeat offenders who unlawfully appropriate gas from another for use and provides a graduated penalty scheme when violations result in substantial property damage or the risk or great bodily injury or death. The legislation increases penalties for repeat offenders who wrongfully use gas and interfere with gas meters and provides a graduated penalty scheme when violations result in substantial property damage or the risk or great bodily injury or death.

The House adopted the conference committee report on **H.3453**, a joint resolution affording temporary **FLEXIBILITY PROVISIONS FOR SCHOOL DISTRICTS**. The Senate having also adopted the conference report, the legislation was enrolled for ratification. The legislation provides for a delay in this year's deadlines for notifying teachers of school district employment decisions so that districts might have a better knowledge of what funds may be available for them through state appropriations before making their personnel decisions. The legislation also provides that school districts uniformly may negotiate salaries below the district salary schedule for the 2013-2014 school year for retired teachers who are not participants in the Teacher and Employee Retention Incentive (TERI) program.

The House amended, approved, and sent the Senate **H.3853**, which makes various revisions pertaining to **CHARTER SCHOOLS**. 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.

The House returned **S.163**, a bill providing for **MOTION PICTURE PRODUCTION TAX REBATE ENHANCEMENTS**, to the Senate with amendments. 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 legislation disallows rebates for motion picture productions that fall within the state's statutory criteria for obscene material.

The House amended, approved, and sent the Senate **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 legislation disallows rebates for motion picture productions that fall within the state's statutory criteria for obscene material.

The House amended, approved, and sent the Senate **H.3102**, "**JAIDON'S LAW**". This legislation revises the manner in which the Department of Social Services (DSS) and the courts address the removal of children from the custody of their parents or guardians to provide **ENHANCED AUTHORITY FOR REMOVING CHILDREN FROM ABUSIVE AND DANGEROUS HOMES**. This legislation allows DSS to move before the family court for termination or suspension of visits between the parent or guardian and the child, and the family court may order termination or suspension of the visits if ongoing contact between the parent or guardian and the child would be contrary to the best interests of the child. The legislation provides that a court shall order, without possibility of waiver by DSS, that a person's name be entered in the Central Registry of Abuse and Neglect if the court finds that there is a preponderance of evidence that certain abuses occurred or willful or reckless neglect occurred or if a child at birth tested positive for drugs. If a child has been removed from a family due to drug use by one or both parents, a court must, when determining whether the child should be returned to the parents' care, require that drug tests be administered and consider the test results along with all other evidence, including whether parents have complied with the terms and conditions of the placement plan. This legislation allows DSS to file a petition to terminate parental rights in instances of (1) homicide by child abuse of another child of the parent, (2) a parent has failed three hair-strand drug tests over a period of nine months, with a minimum of three months between the tests, or (3) if a court of competent

jurisdiction has found the parent to be in willful contempt on two occasions over a twelve month period for failure to comply with the terms of the treatment plan or placement plan. The legislation allows a court to terminate a parent's parental rights if the parent of the child pleads guilty or no contest or is convicted of murder, voluntary manslaughter, or homicide by child abuse of another child of the parent. Relating to termination of parental rights, the legislation also makes it clear that a diagnosable condition unlikely to change within a reasonable period of time includes prescription medication abuse. The legislation allows a court to terminate a parent's parental rights when the child or another child while residing in the parent's domicile has been harmed and because of the severity or repetition of the abuse or neglect, it is not reasonably likely that the home can be made safe within twelve months.

The House amended, approved, and sent the Senate **H.3464**, a bill relating 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.

The House approved and sent the Senate **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.3751**, a bill to enhance the state's **UNEMPLOYMENT INSURANCE PROGRAM INTEGRITY** by establishing provisions that authorize the Department of Employment and Workforce to assess a

fifteen percent monetary penalty on improper unemployment compensation payments resulting from false statements or failure to disclose a material facts.

The House amended, approved, and sent the Senate **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 House amended, approved, and sent the Senate **H.3774**, a joint resolution providing for a **TEMPORARY SUSPENSION FOR PERMITS AND GOVERNMENTAL APPROVALS AFFECTING REAL ESTATE DEVELOPMENT**. The legislation provides for an extension for building permits, air and water quality certifications, and certain other government approvals affecting the development of real property within the state that applies to approved development that was current and valid on January 1, 2013, extending these permit approvals through December 2017. Such extensions have been offered in recent years as a means of preventing the abandonment of development projects in the state during depressed economic conditions.

The House amended, approved, and sent the Senate **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 House approved and sent the Senate **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 House approved and sent the Senate **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 House amended, approved, and sent the Senate **H.3618**, legislation dealing with physicians' supervisory relationship requirements with **PHYSICIAN ASSISTANTS**. 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 House amended, approved, and sent the Senate **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 House approved and sent the Senate **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 House amended, approved, and sent the Senate **H.3410**, a bill that provides for the **TRANSFER OF THE REGIONAL EDUCATION CENTERS** established by the Education and Economic Development Coordinating Council to the Department of Commerce.

The House amended, approved, and sent the Senate **H.3974**, the "**EXPUNGEMENT ACT OF 2013**". The legislation establishes new civil expungement provisions that require a court to order the name of the defendant be expunged from the public indices where it is recorded in cases where summary judgment is granted to a defendant in a civil action on all causes of action brought against him in the action, or the causes of action are dismissed by consent of the parties. Relating to the disclosure of records and returns filed with the Department of Revenue, the 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 allows the Department of Revenue to expunge the recording of a lien once the lien is fully paid and satisfied.

The House approved and sent to the Senate **H.3145** legislation that establishes procedures for the **EXPEDITED EJECTMENT OF TENANTS BY LANDLORDS IN INSTANCES OF MALICIOUS DAMAGE TO PROPERTY OR SIGNIFICANT THREATS TO SAFETY**. The legislation establishes a procedure that a landlord may use to eject a tenant in an expedited fashion in situations that meet the criteria for malicious property damage, exceeding two times the amount of the security deposit, or significant threats to safety, including homicide, physical assault, or illegal use of firearms or other weapons. This expedited ejectment procedure is not available in cases of domestic violence, dating violence, sexual assault, or stalking against the tenant or a member of the tenant's household. Upon payment of a \$50 fee and submission of an affidavit stating specific supporting facts, a landlord may file an application for an expedited ejectment. Within 24 hours after the filing or no later than the next business day, the magistrate must review the application and affidavit in an ex parte hearing without giving the defendant notice of the hearing. If sufficient evidence is shown, the magistrate shall authorize the action to proceed with the required service of a copy of the rule to show cause on the tenant. If the tenant fails to appear and show cause within ten calendar days following the first attempt at service, then the magistrate shall issue a warrant of ejectment and the tenant shall be ejected by law enforcement. A magistrate may impose a civil penalty up to \$500 against a landlord or his agent for abuse of the expedited ejectment process.

The House amended, approved, and sent the Senate **H.3847**. This bill makes **REVISIONS TO THE SOUTH CAROLINA MANUFACTURER RESPONSIBILITY AND CONSUMER CONVENIENCE INFORMATION TECHNOLOGY EQUIPMENT COLLECTION AND RECOVERY ACT**. The legislation establishes registration fees and shortfall fees for manufacturers of computers, televisions, and other covered devices to fund required recycling of electronic waste. The legislation includes computer monitors in labeling requirements and recycling program requirements.

The House amended and gave second reading approval to **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 motor speedway or racetrack that hosted at least one NASCAR Sprint Cup Series race in 2012, and continues to host at least one NASCAR Sprint Cup Series race, or any successor race featuring the same NASCAR Cup series. By replacing the current requirement that the speedway have at least sixty thousand seats for race patrons, the legislation would allow the Darlington Raceway to continue to retain a portion of its admissions tax funds to be used for promotional expenses even if renovations at the race track should reduce the number of available seats.

The House approved and sent the Senate **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 House approved and sent the Senate **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 House amended, approved, and sent the Senate **H.3354**, a bill allowing copies of **DEATH CERTIFICATES** to be issued upon request from any regional county vital records office. The records must be made available in photographic or other suitable format for public viewing.

The House approved and sent the Senate **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 House amended, approved, and sent the Senate **H.3762**, a bill dealing with the **UNLAWFUL HUNTING OF WILDLIFE**. 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. The legislation revises restrictions imposed on night hunting so that these restrictions do not apply to the killing of a coyote, armadillo, or feral hog.

The House amended, approved, and sent the Senate **H.3735**, a bill to provide that the lawful **CATCH LIMIT FOR BLACK SEA BASS** (*Centropristis striata*) is five fish per person per day or the same as the federal limit for Black Sea Bass, whichever is higher. The lawful minimum size is thirteen inches total length. Additionally, there is no closed season on the catching of Black Sea Bass.

The House approved and sent the Senate **H.3223**, a bill that redesignates the Legislative Printing, Information and Technology Systems (LPITS) as the **LEGISLATIVE SERVICES AGENCY** (LSA).

The House refused to concur in Senate amendments to **H.3638**, a bill that authorizes the appointment of additional members to **COUNTY AVIATION COMMISSIONS** and provides that, in counties with two municipalities with a population in excess of fifty thousand, the mayors of these municipalities shall serve, ex officio, as members of the commission.

The House amended, approved, and sent the Senate **H.3502**, a bill relating to the **TRANSFER OF PRIVATELY DONATED FUNDS OR PROPERTY BY THE CITADEL BOARD OF VISITORS TO A NONPROFIT ELEMOSYNARY 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.

HOUSE COMMITTEE ACTION

EDUCATION AND PUBLIC WORKS

The full Education and Public Works Committee met on Tuesday, April 24, and reported out four bills.

[H.3919](#), legislation which provides for **ELIMINATION OF THE HIGH SCHOOL EXIT EXAM AS A REQUIREMENT FOR GRADUATION AND CREATION OF THE HIGH SCHOOL ASSESSMENT STUDY COMMITTEE**, received a favorable with amendment report from the full committee. Before being awarded a high school diploma, all South Carolina public high school students must achieve a passing score on both High School Assessment Program (HSAP) tests. This legislation provides that all students must take the HSAP tests, but successful passage of the tests is no longer a requirement to graduate. The legislation further provides that an eligible student who previously failed to receive a high school diploma or was denied graduation solely for failing the exit exam may reenroll in high school and will not have to pass the exit exam to receive a high school diploma, and the legislation requires the Department of Education to remove any conflicting requirements and promulgate conforming changes in its applicable regulations. Additionally, the legislation creates the High School Assessment Study Committee to consider whether the high school assessment program should remain the accountability assessment used by the state and to recommend an alternative, if necessary. The legislation provides for the composition and staffing of the study committee, and it requires the committee to make a report to the General Assembly no later than January 31, 2014, at which time the study committee must be dissolved.

The full committee gave a favorable report to [H.3893](#). This legislation requires that the **GENERAL ASSEMBLY GIVE ITS APPROVAL BEFORE THE STATE BOARD OF EDUCATION ADOPTS AND IMPLEMENTS NEW STANDARDS AND ASSESSMENTS**. Currently, standards and assessments developed by the State Board of Education must receive the advice and consent of the Education Oversight Committee before they are adopted, and the General Assembly does not have input.

The Education and Public Works Committee gave a favorable with amendment report to [H.3961](#), which enacts the "**SAVANNAH LEE MONROE AUTISM AWARENESS SPECIAL LICENSE PLATES ACT**". This legislation authorizes the Department of Motor Vehicles to issue special Autism Awareness license plates.

[H.3907](#), pertaining to **METHODS OF PAYMENT FOR DEPARTMENT OF MOTOR VEHICLE SERVICES**, received a favorable with amendment recommendation. This legislation provides the Department of Motor Vehicles (DMV) with an administrative remedy for returned checks. This legislation authorizes the DMV to accept uncertified checks for payment for fees, taxes, and other charges for products or services issued by

the DMV; also, the DMV may, upon the approval of the State Treasurer, contract with banks or vendors to guarantee collection of funds paid by uncertified checks. The legislation authorizes the DMV to refuse to provide a person any product or service, except an identification card, until the person has paid all fees owed the DMV as a result of a returned check. The legislation clarifies the DMV's authorization to collect a returned check fee, and the legislation provides that the DMV may charge a processing fee for the use of credit cards. The legislation provides that all processing fees collected must be placed in a special restricted account to be used by the DMV to defray its costs.

JUDICIARY

The full Judiciary Committee met on Tuesday, April 24, and reported out several bills.

[H.3102](#), "**JAIDON'S LAW**", received a favorable with amendment report from the full committee. This legislation revises the manner in which the Department of Social Services (DSS) and the courts address the removal of children from the custody of their parents or guardians to provide **ENHANCED AUTHORITY FOR REMOVING CHILDREN FROM ABUSIVE AND DANGEROUS HOMES**. This legislation allows DSS to move before the family court for termination or suspension of visits between the parent or guardian and the child. The family court may order termination or suspension of the visits if ongoing contact between the parent or guardian and the child would be contrary to the best interests of the child. The legislation provides that a court shall order, without possibility of waiver by DSS, that a person's name be entered in the Central Registry of Abuse and Neglect if the court finds that there is a preponderance of evidence that certain abuses occurred or willful or reckless neglect occurred or if a child at birth tested positive for drugs. This legislation allows DSS to file a petition to terminate parental rights in instances of (1) homicide by child abuse of another child of the parent, (2) a parent has failed three hair-strand drug tests over a period of nine months, with a minimum of three months between the tests, or (3) if a court of competent jurisdiction has found the parent to be in willful contempt on two occasions over a twelve month period for failure to comply with the terms of the treatment plan or placement plan. Among other things, this legislation allows a court to terminate a parent's parental rights if the parent of the child pleads guilty or no contest or is convicted of murder, voluntary manslaughter, or homicide by child abuse of another child of the parent. Relating to termination of parental rights, the legislation also makes it clear that a diagnosable condition unlikely to change within a reasonable period of time includes prescription medication abuse. The legislation allows a court to terminate a parent's parental rights when the child or another child while residing in the parent's domicile has been harmed and because of the severity or repetition of the abuse or neglect, it is not reasonably likely that the home can be made safe within twelve months.

[H.3124](#), legislation which provides **PROTECTIONS FOR REPORTING CHILD ABUSE OR NEGLECT**, received a favorable recommendation. This legislation provides that an employer must not dismiss, demote, suspend, or otherwise discipline or discriminate against an employee or prospective employee who is required or permitted to report child abuse or neglect. An employee or prospective employee who is adversely affected by conduct that is in violation of these provisions may bring a civil action for

reinstatement and back pay. An action may be brought against an employer, including the state, a political subdivision of the state and any office, department, independent agency, authority, institution, association, or other body in state government. An action must be brought within three years after the cause of action arises. If judgment is rendered in favor of the plaintiff in an action, the court also shall award a reasonable attorney's fee in favor of the plaintiff against the defendant.

The Judiciary Committee gave a favorable report to [H.3956](#). Relating to **DEFINITIONS IN THE ALCOHOLIC BEVERAGE CONTROL ACT**, this legislation revises the definition of the term "furnishing lodging" to provide for at least eighteen instead of twenty rooms that a business must offer for accommodations on a regular basis.

[H.3894](#) received a favorable with amendment recommendation from the Judiciary Committee. Relating to **FACTORS THAT MAY BE CONSIDERED WHEN DETERMINING JUST COMPENSATION IN CONDEMNATION ACTIONS REGARDING EMINENT DOMAIN**, this legislation includes diminution in value of the landowner's remaining property caused by reconfiguration of roadways, restriction of access and circuitous access.

[H.3722](#) received a favorable report. This legislation makes various revisions pertaining to **NOTARIES PUBLIC**. Highlights of this legislation include the following. This legislation provides qualifications for a commission, including being registered to vote and able to read and write in the English language. This legislation authorizes as well as prohibits certain acts of a notary public, including prohibiting a notary from using the term "notario publico" or any equivalent non-English term in any business card, advertisement, notice, or sign; note in Mexico a "notario publico" is responsible for the legality of the content of a document. Also, the legislation prohibits a notary from claiming to have powers, qualifications, rights, or privileges that the office of notary does not provide including the power to counsel on immigration matters. The legislation requires a notary public who is not an attorney licensed to practice law in this state and who advertises his services as a notary public in a language other than English to post or otherwise include with the advertisement in English and in the language used for the advertisement that the notary is not an attorney licensed in South Carolina and may not give legal advice or accept fees for legal advice. The legislation provides maximum fees a notary may charge. The legislation specifies changes for which a notary must notify the Secretary of State such as a change of legal name, change of county or change of address; and it provides the elements and penalties of certain crimes relating to notarial acts.

The full committee gave a favorable with amendment report to [S.143](#), **COMPREHENSIVE LEGISLATION THAT REVISES PROBATE AND TRUST CODE PROVISIONS**. Note this legislation does not contain revisions for Article 5, relating to guardians, conservators, and powers of attorneys.

[H.3822](#) received a favorable with amendment recommendation from the full committee. This legislation makes various revisions relating to **CONCEALABLE WEAPONS PERMITS**. The legislation revises the requirements that must be met in order to receive a concealable weapons permit. Relating to definitions for purposes of concealable weapons permits, the legislation deletes the definition of "proof of residence" and revises the definitions of "picture identification" and "proof of training". The legislation deletes the requirement that an education course must be a minimum of eight hours, and the

legislation provides that individuals with military training and retired law enforcement officers complete only the portion of the class reviewing statutory and case laws. The legislation increases the application fee for a permit for residents of the state from \$50 to \$75, and it creates a nonresident application fee of \$75. The legislation allows permit applications to be submitted online with State Law Enforcement Division (SLED). If an applicant submits his application online, the legislation authorizes SLED to continue to make all contact with the applicant through online communications. The legislation removes churches, hospitals and doctor's offices from the list of places where a person may not carry a concealable weapon. The legislation provides that a person may not carry a concealable weapon into a place clearly marked with a sign prohibiting the carrying of a concealable weapon on the premises, except that a property owner or an agent acting on his behalf, may allow individuals of his choosing to enter onto property regardless of any posted sign to the contrary. The legislation provides that a permit is valid for five years rather than four years, and it requires SLED to send a renewal notice at least 30 days before a permit expires. The legislation repeals Section 23-31-240 relating to persons allowed to carry a concealable weapon while on duty. Additionally, the legislation provides that a concealable weapons permit holder may secure his weapon under a seat in a vehicle, or in any open or closed storage compartment within the vehicle's passenger compartment.

H.3147 received a favorable with amendment report from the Judiciary Committee. This legislation addresses a recent Supreme Court ruling that a police officer's post-traumatic stress disorder after a job-related fatal shooting of a suspect did not arise from extraordinary and unusual conditions of employment, as required to be awarded workers' compensation payments for mental injuries. This legislation exempts a **LAW ENFORCEMENT OFFICER SEEKING WORKERS' COMPENSATION FOR PERSONAL INJURY CAUSED BY STRESS MENTAL INJURY OR MENTAL ILLNESS** from meeting this extraordinary and unusual conditions standard when the impairment causing the stress, mental injury, or mental illness arises from the law enforcement officer's direct involvement in, or subjection to, the use of deadly force in the line of duty.

H.3149 received a favorable with amendment recommendation from the full committee. This legislation revises provisions concerning the **PURCHASE OF PRECIOUS METALS**. The legislation specifies acceptable forms of identification a seller of precious metals must present to the buyer. The legislation modifies the term "purchase" to include means of being pawned to a dealer and increases the mandatory period for which a dealer in precious metals, except coins, must hold precious metals he purchases before he may sell them from seven days to fourteen days. The legislation requires the dealer to keep the item in the county where it was purchased during the holding period. Coins may be held by the dealer at his permanent place of business or at another suitable location in the state without being resold, melted, or altered in any manner for a period of seven days from the date of purchase. All goods required to be held must at all reasonable times be open to inspection by any law enforcement agency. Additionally, the legislation requires violations to be wilful by dealers and increases penalties for the purchase of precious metals by a dealer with a revoked license.

The Judiciary Committee gave a favorable with amendment report to **S.22**, the "**SOUTH CAROLINA RESTRUCTURING ACT OF 2013**". This comprehensive legislation restructures state government and provides for legislative oversight of executive departments; highlights include the following.

Abolishes the State Budget and Control Board

The legislation abolishes the State Budget and Control Board, both the agency and the five-member authority.

Department of Administration

This legislation establishes the Department of Administration under the executive branch of state government. The following offices, divisions or components of the State Budget and Control Board, Office of Governor, or other agencies are transferred to and incorporated into the Department of Administration:

- Division of General Services including Facilities Management, Business Services together with Fleet Management, and Property Services;
- Office of Human Resources;
- Office of Executive Policy and Programs
- Office of Economic Opportunity;
- Developmental Disabilities Council;
- Children's Foster Care;
- Veterans Affairs;
- Commission on Women;
- Victims Assistance;
- Division of State Chief Information Technology of the State Budget and Control Board;
- Division of Procurement Services Division of the State Budget and Control Board;
- Guardian Ad Litem program
- Children's Case Resolution System
- Division of Small and Minority Business Contracting and Certification, formerly known as the Small and Minority Business Assistance Office
- Continuum of Care for Emotionally Disturbed Children
- Those portions of the State Budget Office necessary to create an Executive Budget Office
- South Carolina Confederate Relic Room and Military Museum

However, the Division of General Services shall not be transferred to the Department of Administration until the director of the Department of Administration enters into a memorandum of understanding with appropriate officials of applicable legislative and judicial agencies or departments regarding certain matters. The Executive Budget Office is charged with conducting analysis, implementing and monitoring the annual appropriation act, and evaluating program performance. Where the provisions of this legislation transfer offices or portions of offices, the employees, authorized appropriations, and assets and liabilities of the transferred offices are transferred to and become a part of the Department of Administration or other entities.

Revenue and Fiscal Affairs Office

The legislation establishes the Revenue and Fiscal Affairs Office to be governed by the three appointed members of the Board of Economic Advisors. The office is comprised of the Board of Economic Advisors, Office of Research and Statistics and the Office of

State Budget, those portions not retained by the Department of Administration for an Executive Budget Office.

South Carolina Contracts and Accountability Authority

The legislation establishes the seven-member South Carolina Contracts and Accountability Authority (SCAA) consisting of the following: (1) the Governor, who shall serve as ex officio as chairman; (2) the Attorney General, who shall serve ex officio; (3) the State Treasurer, who shall serve ex officio; (4) the Comptroller General, who shall serve ex officio; (5) the Lieutenant Governor, who shall serve ex officio; (6) one member of the House of Representatives, ex officio, appointed by the Speaker of the House of Representatives; and (7) one member of the Senate, ex officio, appointed by the President Pro Tempore of the Senate. The board selects the executive director for a four-year term, and the executive director may only be removed for cause. The legislation devolves all functions, powers, duties, responsibilities and authority related to the issuance of bonds and bonding authority, generally found in Title 11, but also contained in other provisions of law to SCAA. The legislation establishes with SCAA the Office of Accountability and Auditing. The State Auditor's Office shall be included in the Office of Accountability and Auditing. The State Auditor serving in office as of June 30, 2014, shall continue to serve, but any successor must be selected by the SCAA. The State Auditor shall be the entity to receive annual accountability reports. The State Inspector General shall be located within the Office of Accountability and Auditing; it is an independent agency, except where joint responsibilities are imposed upon it and the Office of the State Auditor in the manner provided by law. Also, the Insurance Reserve Fund of the Office of Insurance Services is transferred to the SCAA. The newly formed five-member Procurement Review Panel is appointed by each member of the SCAA, except for the Attorney General and the Comptroller General.

Other Transfers and Provisions

Other transfers and provisions include the following:

- Division of Local Government of the State Budget and Control Board is transferred to the South Carolina Rural Infrastructure Authority
- State Energy Office of the Budget and Control Board is transferred to the Office of Regulatory Staff
- The legislation provides for additional members of the Charleston Naval Complex Redevelopment Authority as well as provisions for the Charleston Naval Base Museum Authority as a division of the Charleston Naval Complex Redevelopment Authority
- Where the amount of a permanent improvement project is \$500,000 or less and the applicable enabling statute or the general law relating to the project requires both the review of the Joint Bond Review Committee and the approval by the former Budget and Control Board, in this regard, is devolved upon the Director of the Department of Administration. Where the amount of the project or funding exceeds \$500,000, the responsibility of the former Budget and Control Board in this regard is devolved upon the SCAA with no prior approval required on the part of the Department of Administration.
- During the year 2018, the State Auditor shall conduct a performance review of the provisions of this legislation to determine its effectiveness and achievements

with regards to the more efficient performance of the functions and duties of the various agencies and the cost savings and benefits to the state.

Legislative Oversight of Executive Departments

S.22 includes provisions for legislative oversight of executive departments. In order to determine whether laws and programs addressing subjects within the jurisdiction of a legislative committee are being implemented and carried out in accordance with the intent of the General Assembly and whether they should be continued, curtailed, or eliminated, this legislation provides that each standing committee shall review and study on a continuing basis: (1) the application, administration, execution, and effectiveness of laws and programs addressing subjects within its jurisdiction; (2) the organization and operation of state agencies and entities having responsibilities for the administration and execution of laws and programs addressing subjects within its jurisdiction; and (3) any conditions or circumstances that may indicate the necessity or desirability of enacting new or additional legislation addressing subjects within its jurisdiction. The legislation includes provisions for the assignment of agencies to standing committees; there are also provisions for joint investigating committees. Each standing committee must conduct oversight studies and investigations at least once every five years on all agencies within its jurisdiction. Also a standing committee may initiate an oversight study or an investigation of an agency within its jurisdiction. An investigating committee may vest its investigative authority in a subcommittee. The legislation includes provisions detailing how an investigating committee may acquire evidence or information, including requiring an agency to prepare and submit a program evaluation report. The chairman of the investigating committee may direct the Legislative Audit Council to perform a study of the program evaluation report or to perform its own audit of the program or operations being studied or investigated by the investigating committee. All testimony given to the investigating committee must be under oath. All witnesses are entitled to counsel, and a witness shall be given the benefit of any privilege which he may have claimed in court as a party in a civil action. Anyone who wilfully gives false, materially misleading, or materially incomplete testimony under oath is guilty of the felony offense of contempt of the General Assembly subject to a fine within the discretion of the court and/or imprisonment for not more than five years. The legislation also establishes the felony offense of criminal contempt for persons subpoenaed to attend as a witness before either house of the legislature or a legislative committee.

H.3833, pertaining to **WINE TASTINGS AND BEER TASTINGS**, received a favorable with amendment recommendation. This legislation allows the holders of retail wine permit for off-premises consumption whose retail space is at least 10,000 square feet and whose primary product is not beer, wine, or distilled spirits to obtain an annual wine tastings permit for each separate place of business in order to conduct, in accordance with Department of Revenue rulings or regulations, up to twelve wine tastings at the retail location in a calendar quarter, and it provides restrictions. The legislation also allows the holder of a retail permit authorizing the sale of beer for off-premises consumption whose retail space is at least 10,000 square feet and whose primary product is not beer, wine, or distilled spirits to obtain an annual beer tastings permit for each separate place of business in order to conduct, in accordance with Department of Revenue rulings or regulations, up to twelve beer tastings in a calendar quarter, and it provides restrictions. These tastings may not be held in conjunction with one another; also a tasting may not be held in conjunction with a tasting in a retail alcoholic liquor store that is adjacent to and licensed in the same name of the retail permit authorizing

the sale of beer. A sampling must not be offered for more than four hours, and a retailer may not offer more than one sampling per day. The tasting must be held in a designated, stationary tasting area of the retail store with a distinctive barrier clearly in place, indicating the tasting area. No one under twenty-one may be allowed in the tasting area. There are restrictions on sample sizes and the number of samples, and no person may be served more than one sample of each product. In addition to other applicable fines and penalties, a retailer who violates these provisions must be assessed certain fines and the revenue from fines must be directed to the State Law Enforcement Division for supplementing funds required for regulation and enforcement of the tastings.

LABOR, COMMERCE AND INDUSTRY

The Labor, Commerce and Industry Committee met on Wednesday, April 24, and reported out two bills.

The committee gave a favorable report on **H.3941**, legislation **PROHIBITING POLITICAL SUBDIVISIONS FROM MANDATING EMPLOYEE BENEFITS**. This bill revises provisions governing a political subdivision's authority to set a minimum wage, so as to also prohibit a political subdivision from establishing, mandating, or otherwise requiring an employee benefit such as health benefits, disability benefits, death benefits, group accidental death and dismemberment benefits, paid days off for holidays, sick leave, vacation, personal necessity, retirement benefits, and profit-sharing benefits.

The committee gave a report of favorable with amendments on **H.3960**, a bill establishing **REQUIREMENTS FOR 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. The legislation provides that each participating employer, as a condition of participation in a multiple employer self-insured health plan, is required to execute an agreement by which the employer agrees to personally pay all claims for benefits covered under the multiple employer self-insured health plan which are incurred by his or its covered employees and their covered dependents, but which the plan has failed to pay. The legislation establishes notification requirements regarding the new provisions and provides that neither failure of a participating employer to execute an agreement, nor failure of the plan to require such execution, shall excuse the employer from liability for unpaid claims incurred by covered employees and dependents. The legislation revises requirements for a multiple employer self-insured health plan to include aggregate and individual excess stop-loss coverage, charging the Department of Insurance with reviewing the amounts of this required coverage to ensure that it is sufficient.

MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

The full Medical, Military, Public and Municipal Affairs Committee met on Tuesday, April 23, 2013, and reported out three bills.

H.3098, a bill dealing with the rights of **LONG-TERM CARE FACILITY RESIDENTS**, was given a favorable with an amendment recommendation by the committee. The bill

states that if the residential care resident or the resident's representative chooses to voluntarily relocate from the resident's current facility, the resident or the resident's representative must give written notice of intent to relocate not less than fourteen days before the resident's relocation becomes effective. Voluntary relocation does not occur when a resident of a community residential care facility seeks to be discharged because a higher level of care is required or because the resident's health, safety, or welfare is endangered. If the timely notice is not given, the resident may be charged the equivalent of fourteen days occupancy from the date notice was received. If the facility is able to fill the bed vacated by the resident, the facility shall cease charging the resident regardless of the notice given.

The committee gave a favorable recommendation to **H.3567**, legislation regarding **MENTAL HEALTH TREATMENT FOR CHILDREN**. The bill revises the definition of "children" and "adolescents" in need of mental health treatment who are in a residential treatment facility, to include young adults. The bill increases the eligibility age for treatment from eighteen to twenty-one years old.

H.3856, a bill relating to **CRIMINAL BACKGROUND CHECKS FOR EMPLOYMENT IN CHILDCARE FACILITIES**, was given a favorable recommendation by the committee. The bill adds felonies to the current law by prohibiting persons from employment in childcare facilities who have been convicted of unlawful conduct toward a child, cruelty to children or child endangerment.

WAYS AND MEANS

The Ways and Means Committee met on Tuesday, April 23, and reported out two bills.

The committee gave a report of favorable with amendments on **H.3978**, a bill revising provisions relating to **MEDICAID NURSING HOME PERMITS**. The legislation: provides a new definition for "Medicaid permit day"; specifies the manner in which additional Medicaid permit days are allocated; establishes new reporting requirements; and, sets forth compliance standards with penalties imposed upon facilities that exceed their allotment of Medicaid permit days.

The committee gave a report of favorable with amendments on **H.3983**, the "**SOUTH CAROLINA RURAL COUNTY ACCESS TO EMERGENCY HEALTH CARE ACT**". The legislation establishes provisions under which a hospital located in a rural county that has closed and relinquished its license to operate may, within three years from the date of closure, reopen the hospital for purposes of converting it 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".

BILLS INTRODUCED IN THE HOUSE THIS WEEK

AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

S.551 *ANTLERED DEER* Sen. Corbin

The bill provides that open season in Game Zone 1 is October 11 through January 1. The bill also states that on wildlife management areas (WMA) Lands, the Department of Natural Resources may establish seasons for the hunting and taking of deer in accordance with the Administrative Procedures Act.

S.559 *CATCH LIMITS FOR FLOUNDER* Sen. Campsen

The bill states that it is unlawful for a person to take or possess more than fifteen flounder (*Paralichthys* species) taken by means of gig, spear, hook and line, or similar device in any one day, not to exceed thirty flounder in any one day on any boat.

S.590 *CATCH LIMITS FOR TARPON* Sen. Campsen

It is unlawful for a person to take or possess more than one tarpon in any one day or a tarpon of less than seventy-seven inches in fork length.

H.4032 *USE OF AIRBOATS* Rep. Goldfinch

Currently, there are restrictions for operating an airboat on certain waters at certain times. This bill provides for an exception that airboats that carry a valid United States Coast Guard Certificate of Inspection to carry passengers for hire are allowed to operate during the early waterfowl hunting season, provided the vessels are engaged in carrying passengers for hire.

EDUCATION AND PUBLIC WORKS

S.620 *RESEARCH AND DEVELOPMENT LICENSE PLATES* Sen. Verdin

This legislation relates to research and development license plates. Currently, these are allowed in connection with research and development activities on tires in conjunction with the person's manufacturing activities in this state. This legislation includes the manufacture and research and development of transmissions in this state in the definition of "research and development business". The legislation provides that the Department of Motor Vehicles may issue research and development license plates for the purpose of testing and evaluating the performance of the research and development business' transmissions on the motor vehicle, and the department may enter into reciprocal agreements with other states concerning the registration and operation of vehicles owned by a research and development business for the purpose of testing and evaluating the performance of the research and development business' transmissions. The legislation further provides it is the sole responsibility of the research and development business or contracted fleet owner to take any other actions required by another state that are necessary for the research and development business or contracted fleet owner, and to legally test and evaluate the performance of the research and development business' transmissions in that state.

H.4017 *STEP INCENTIVE FOR SUCCESSFUL TEACHERS IN LOW-PERFORMING SCHOOLS (STILPS) STUDY COMMITTEE*

Rep. Robinson-Simpson

This legislation creates the Step Incentive For Successful Teachers In Low-Performing Schools (STILPS) Study Committee to develop a step increase compensation plan for highly qualified teachers with demonstrated success in elevating student academic achievement and who serve in low-performing schools as a reward for gains in academic achievement by their students. The legislation provides for the committee's membership and duties, and it requires the committee to make a report of its findings with recommendations to the General Assembly, the Superintendent of Education, and the Governor by January 1, 2014, at which time the committee terminates. The legislation further provides that the Department of Education shall promulgate regulations to implement the recommendations of the study committee effective starting with the 2014-2015 school year.

**H.4020 TEMPORARY REAUTHORIZATION OF THE SOUTH CAROLINA
FIRST STEPS TO SCHOOL READINESS ACT** Rep. Allison

This joint resolution provides that Act 99 of 1999, South Carolina First Steps to School Readiness Act, is reauthorized until July 1, 2014.

JUDICIARY

**S.308 CARRYING OF A CONCEALABLE WEAPON IN A BUSINESS THAT
SELLS ALCOHOL TO BE CONSUMED ON THE PREMISES**

Sen. Bennett

The legislation replaces the current prohibition on carrying a pistol or firearm into a business which sells alcoholic liquor, beer, or wine for on-premises consumption with new provisions that afford concealable weapons permit holders some legal authority to carry their firearms into bars, restaurants, and other establishments that serve beer, wine, or alcoholic liquor between the hours of 5:00 a.m. and midnight. The legislation provides that it is unlawful to: (1) carry a firearm into a business which sells alcoholic liquor, beer, or wine for on-premises consumption and refuse to leave or remove the firearm when requested to do so by the business; (2) consume alcohol while carrying a firearm in any such business; or (3) carry a firearm into any such business in violation of the establishment's posted policy of not allowing concealable weapons on the premises. The legislation also increases penalties for a violation the maximum fine from two thousand to three thousand and provides that a person must have his concealable weapon permit revoked for a period of five years. Violators are also subject to pertinent penalties for certain trespassing provisions as well as pertinent penalties for violating posted policies disallowing concealable weapons.

S.463 DEPARTMENT OF INSURANCE LICENSURE APPLICATIONS

Sen. Hayes

This legislation requires that a person applying to the Department of Insurance for licensure as a professional surety bondsman or runner must provide his business, mailing, residential, and email addresses with the application. The legislation further provides that he must notify the department of a change of any of these addresses or a legal name change within thirty days, and the legislation provides a penalty for a violation. Relating to the requirement that a person applying to the Department of Insurance for licensure as an insurance producer must provide his business, mailing, and residential addresses with the application, this legislation provides he also must

provide his email address. Relating to the requirement that a person applying to the Department of Insurance for licensure as an adjuster must provide his business, mailing, and residential addresses with the application, this legislation provides he also must provide his email address. Relating to the requirement that a person applying to the Department of Insurance for licensure as a public adjuster must provide his business, mailing, and residential addresses with the application, this legislation provides he also must provide his email address. Relating to the requirement that a person applying to the Department of Insurance for licensure as a motor vehicle physical damage appraiser must provide his business, mailing, and residential addresses with the application, this legislation provides he also must provide his email address.

H.4003 ELECTION LAW REVISIONS Rep. Gagnon

Relating to the qualifications to run as a candidate in general elections, this legislation revises the opening and closing dates of the candidate filing period. Relating to filing as a candidate, this legislation revises the period during which the county chairman, or his designee, must be present at a designated place to accept filings.

**H.4011 PROCEDURE FOR THE ENACTMENT OF ZONING REGULATIONS
OR MAPS Rep. Ridgeway**

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

**H.4023 MEDIATION REQUIRED BEFORE CRIMINAL PROCEEDINGS
AGAINST A PERSON FOR FAILURE TO PAY A LATE FEE OR PENALTY
MAY BE BROUGHT BY CERTAIN STATE ENTITIES Rep. Dillard**

This legislation provides that a state agency, board, committee, commission, or political subdivision shall enter into mediation before criminal proceedings against a person for failure to pay a late fee or penalty are brought by the entity. It is an affirmative defense to prosecution in a criminal case for failure to pay a late fee or penalty that a state agency, board, committee, commission, or political subdivision violated these requirements.

**H.4025 PROHIBITING DISCRIMINATION IN EMPLOYMENT BECAUSE OF
SEXUAL ORIENTATION OR GENDER IDENTITY Rep. J. E. Smith**

This legislation makes revisions to certain provisions in the South Carolina Humans Affairs Law all relating to prohibiting discrimination in employment because of race, religion, color, sex, age, national origin, or disability, so as to also prohibit such discrimination because of sexual orientation or gender identity. The legislation defines the terms "sexual orientation" and "gender identity".

LABOR, COMMERCE AND INDUSTRY

S.290 "SOUTH CAROLINA TELEMEDICINE ACT" Sen. Cleary

This bill enacts the "South Carolina Telemedicine Act". The legislation establishes provisions to require coverage of telemedicine services by the State Public Employee Benefit Authority and creates the Telemedicine Advisory Council to study telemedicine

outcomes, evaluate reimbursement rates and make recommendations regarding the further development and use of telemedicine.

H.4015 *AUTONOMOUS VEHICLES* Rep. Brannon

This bill establishes a procedure for the testing and operation of autonomous vehicles, which are equipped with technology that allows for the driving of a vehicle without the active physical control or monitoring by a human operator.

MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

H.4009 *FREE HEALTH CARE STUDY COMMITTEE* Rep. Jefferson

A joint resolution to create a Free Health Care Study Committee to study the extent to which medical professionals volunteer at free medical clinics and the extent and scope of services provided by medical professionals at free medical clinics. The resolution provides for the membership of the committee. Members of the study committee shall serve without compensation and may not receive mileage or per diem. The study committee shall provide a report to the Governor, General Assembly, and the Department of Health and Human Services no later than January 1, 2014, at which time the study committee must be dissolved.

H.4024 *"SOUTH CAROLINA LICENSED MIDWIFE ACT"* Rep. Crawford

This bill enacts the "South Carolina Licensed Midwife Act". A person may not willfully practice or offer to act as an apprentice midwife, licensed midwife, or certified professional midwife unless he is licensed by the South Carolina Board of Medical Examiners or he was licensed by DHEC on the effective date of this article. Among many things, the bill provides for definitions, as well as the creation of the Licensed Midwife Committee as an advisory committee to the Board of Medical Examiners.

WAYS AND MEANS

H.4016 *"THE BOOST LEARNING GAME" LOTTERY* Rep. Robinson-Simpson

This bill provides for a designated lottery game, "The Boost Learning Game", from which proceeds must be used to provide additional funds to facilitate accelerated learning for underachieving students in order to eliminate disparity in student achievement in kindergarten through twelfth grade and improve academic achievement of students in South Carolina compared to that of other states.

H.4018 *TAX CREDIT FOR EMPLOYING A FORMERLY INCARCERATED INDIVIDUAL* Rep. Robinson-Simpson

This bill provides authorization for a five thousand dollar tax credit available to any taxpayer that employs a formerly incarcerated individual as a full-time employee for one year.

H.4019 *ENVIRONMENTAL REMEDIATION UNDER REDEVELOPMENT PROJECT COSTS* Rep. Mitchell

This bill revises provisions for redevelopment project costs, to provide that property assembly costs also include the cost of environmental remediation.

H.4029 *PROPERTY TAX FAIR MARKET VALUE OF A MOTOR VEHICLE NOT TO EXCEED PURCHASE PRICE PAID TO A LICENSED DEALER*

Rep. Putnam

This bill provides that, for purposes of ad valorem taxation, the fair market value of a motor vehicle may not exceed the amount paid for the motor vehicle, so long as the motor vehicle was purchased from a licensed dealer.

H.4031 REQUIRED FINANCIAL AUDITS OF MUNICIPALITIES Rep. Goldfinch

This bill revises requirements for an annual financial audit of the finances of a municipality, so as to require that funds for the audit must be included in the municipality's annual budget. The legislation provides that if a copy of the annual financial audit is not filed with the State Treasurer within thirteen months of the end of the audit year, that state payments to the municipality must be suspended. Additional forensic audits are required in the case of a suspension of state payments. The legislation provides that if the delinquent audit and the forensic audits are not filed within thirteen months of the beginning of the state payments suspension, the municipality's certificate of incorporation must be canceled by the Secretary of State.

H.4039 "THE CLEMSON UNIVERSITY ENTERPRISE ACT" Rep. Skelton

This bill enacts "The Clemson University Enterprise Act", to provide authorization for the Board of Trustees of Clemson University to establish, by resolution, an Enterprise Division as part of Clemson University devoted to enterprise activities primarily related to research, economic development, athletics, auxiliary, support, or public service functions. The legislation provides that certain assets, programs, and operations of Clemson University may be transferred to the Enterprise Division. The legislation establishes certain exemptions for the Enterprise Division from various state laws governing procurement, human resources, personnel, and disposition of real and personal property. The establishes authority for bonds, notes, or other evidence of indebtedness to be issued for the Enterprise Division and provides audit and reporting requirements.

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