



South Carolina House of Representatives

# Legislative Update

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

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

# HOUSE WEEK IN REVIEW

The House of Representatives amended, approved, and sent the Senate **H.3925**, legislation that addresses the **APPLICATION OF THE POLLUTION CONTROL ACT** which regulates the discharge of industrial waste, sewage, and other pollutants through permitting programs at the Department of Health and Environmental Control. H.3925 follows up on previous legislation, Act 198 of 2012, which the General Assembly passed to counter a South Carolina Supreme Court ruling that found there was a private cause of action under South Carolina's Pollution Control Act which allowed an individual or a group of concerned citizens to bring a lawsuit under the act. H.3925 specifies that it is the intent of the General Assembly that no private right of action exists under the Pollution Control Act. Beginning with the June 6, 2012, effective date of Act 198 of 2012, no claim or cause of action alleging a violation of the Pollution Control Act may be filed in a court or administrative tribunal by any person other than the Department of Health and Environmental Control or an agency, commission, department, or political subdivision of the State, with the exception that an individual may pursue the administrative procedure established by Act 198 of 2012 that allows someone to petition DHEC for a declaratory ruling on an assertion that the Pollution Control Act is being violated. Under this procedure, someone, other than DHEC or an agency, commission, department, or political subdivision of the State, making an assertion about a violation of the Pollution Control Act must first petition DHEC in writing for a declaratory ruling about whether there is a specific, existing regulatory program that applies to a proposed or existing discharge into the environment. The subject of the petition must be notified and DHEC must issue its declaratory ruling within sixty days. The department is authorized to issue emergency orders if it determines that immediate action is necessary to protect the public health or property from an unpermitted discharge. Anyone contesting a department decision on a petition may request a contested case hearing in the Administrative Law Court. H.3925 specifies that any decision of the department with respect to which review could have been, but was not, obtained under these petition provisions is not subject to judicial review in any civil proceeding. H.3925 also revises language in Act 198 of 2012 specifying that the act's passage is not to affect pending legal actions by limiting its application to pending civil actions, criminal prosecutions, and appeals and eliminating references to vested rights, duties, penalties, forfeitures, and liabilities.

The House amended, approved, and sent the Senate **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. If a local governing body imposes a schedule of road or other fees, however described, on motor vehicles registered in its jurisdiction and that schedule imposes fees that vary with respect to classes of vehicles, then the lowest fee in that schedule of fees imposed by the local governing body must apply to all vehicles registered by the South Carolina Department of Motor Vehicles for the state biennial registration fees provided for certain handicapped individuals and senior citizens.

The House adopted and sent the Senate **H.4596**, a concurrent resolution declaring the General Assembly's **OPPOSITION TO ANY ADDITIONAL LIVE BOTTOM MARINE PROTECTED AREAS OFF THE COAST OF SOUTH CAROLINA** associated with the South Atlantic Fishery Management Council's proposed Regulatory Amendment 17 or any future amendments to the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region. The South Carolina General Assembly urges SAFMC to cease all work on Snapper-Grouper Regulatory Amendment 17 and to focus on ensuring that stock assessments are conducted for speckled hind and warsaw grouper and on implementing a monitoring and evaluation plan for the existing deep-water MPAs in the South Atlantic.

The House approved **S.953** and enrolled the bill for ratification. This legislation **UPDATES REFERENCES TO THE INTERNAL REVENUE CODE IN STATE TAX STATUTES** to bring them into conformity with the latest federal provisions.

## HOUSE COMMITTEE ACTION

### AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

The full Agriculture, Natural Resources and Environmental Affairs Committee met on Tuesday, February 25, 2014, and reported out several bills.

**H.4596**, a concurrent resolution dealing with the **SNAPPER-GROUPER FISHERY OF THE SOUTH CAROLINA ATLANTIC REGION**, was given approval by the full committee. Currently 40 miles off the coast of South Carolina are mostly closed for fishing due to Federal restrictions. As a result, this bill advises the National Fisheries Committee to oppose any further restrictions to the South Atlantic Fishery Management Plan for the Snapper-Grouper Fishery.

The full committee approved **H.4574**, a bill revising **TRAINEE PROGRAMS FOR ENVIRONMENTAL CERTIFICATIONS**, was given a favorable recommendation. In an effort to address the shortage of qualified water treatment operators and water distribution system operators, the bill deletes the requirements that an applicant be 18 years old and a high school graduate to participate in the trainee programs. As a result, this effort should create an interest as well as a pool of students in lower grades to participate and learn the craft. The bill also cleans up language and provides up to date information on environmental certifications.

**H.4561**, legislation relating to an **INTERSTATE BOATING VIOLATOR COMPACT**, was given approval by the full committee. This bill authorizes the South Carolina Department of Natural Resources (DNR) to enter into the compact with all other neighboring states. This boater compact makes it easier for law enforcement to enforce law where there is "blurred lines". In order for it to work Georgia and North Carolina must pass legislation also. DNR shall execute all documents and perform all other acts necessary to carry out the provision.

**H.4551**, a bill relating to the **UNLAWFUL TAKING OF A GREAT WHITE SHARK**, was given a favorable with amendment recommendation by the full committee. The bill states that it is unlawful to take or possess a great white shark. Any great white shark that is caught must be released immediately and must remain completely in the water at all times while being released.

The full committee gave a favorable with amendment recommendation to **H.4543**, a bill that provides for the daily limit of the **POSSESSION OF BLUE CATFISH**, which will not be more than ten in Lake Marion, Lake Moultrie and the upper reach of the Santee River.

**H.4501**, legislation relating to the **STATE UNDERGROUND PETROLEUM ENVIRONMENTAL RESPONSE BANK (SUPERB) ACT**, was given a favorable recommendation by the full committee. The SUPERB fund is basically an insurance fund for petroleum and petroleum product cleanup sites. This bill takes the current rates back to the 2011 Allowable Cost Reimbursement rates for cleanups.

The full committee gave a favorable recommendation to **S.699**, a bill that imposes an **INSPECTION FEE ON THE DISTRIBUTION OR SALE OF COMMERCIAL FERTILIZER** in the amount of one dollar a ton. There has been a budget proviso since 2009 for this fee increase; however this bill just codifies the fee.

## EDUCATION AND PUBLIC WORKS

The House Education and Public Works Committee met on Wednesday, February 19, 2014. The full committee gave a favorable with amendment recommendation to **H.3428**, comprehensive legislation providing for the **REAUTHORIZATION OF SOUTH CAROLINA FIRST STEPS TO SCHOOL READINESS**. Among other things, this legislation defines terms concerning First Steps to School Readiness including: 'evidence-based program'; 'evidence-informed program'; 'prevalent program investment'; and 'school readiness'. The legislation provides that the First Steps to School Readiness Board of Trustees (First Steps Board) may carry out its duties by developing a comprehensive long-range initiative for improving early childhood development, increasing school readiness, and establishing results oriented measures and objectives. The legislation requires the First Steps Board to review the school readiness description, benchmarks, and objectives and adopt appropriate revisions before December 31, 2014 again before December 31, 2019, and every five years thereafter. Before July 1, 2015, the legislation requires the Education Oversight Committee to recommend an assessment to evaluate and measure the school readiness of students prior to their entrance into a pre-kindergarten or kindergarten program to the State Board of Education. The stated purpose of the assessment is to provide information to address the readiness needs of each student. The school readiness assessment may not be used to deny a student admission or progression to kindergarten or first grade; the legislation requires every student entering the public schools for the first time in prekindergarten and kindergarten to be administered a readiness screening by the forty fifth day of the school year. Also, the legislation requires the First Steps Board to utilize the annual aggregate literacy and other readiness assessment information in establishing standards and practices to support all early childhood providers served by

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First Steps. This legislation includes provisions for other duties of the First Steps Board relating to serving as South Carolina Advisory Council for Head Start as well as ensuring that BabyNet complies with the maintenance of effort requirement by coordinating with agencies that provide early intervention. The legislation replaces the term 'county' with 'local' when referencing partnerships. With regards to Local First Steps Partnerships, the legislation requires the First Steps Board to establish bylaws for use by each local partnership, and the legislation establishes the makeup of local boards with a total minimum membership of twelve and maximum of thirty. Multiple First Steps local partnerships may collaborate in a manner they determine will maximize the efficient and effective provision of services and programs to children and their families. The legislation provides additional duties for the South Carolina First Steps to School Readiness state agency and changes its reference from an office to an agency of state government; these additional duties include evaluating each program funded by the First Steps Board on a regular cycle to determine its effectiveness and whether it should continue to receive funding and providing for ongoing data collection. The legislation provides that grants expended by First Steps Partnerships must be used to address the needs of young children and their families, and at least seventy-five percent of state funds must be used for evidence based programs. Local partnerships may not use funds for the construction or renovation of facilities without approval by the First Steps Board. Local partnerships must provide an annual match of at least fifteen percent. An independent evaluation of each prevalent program investment must be completed and published by the First Steps Board no less than every five years, and the legislation provides for cyclical evaluation of major program investments. The legislation revises the composition of the First Steps Board. Among other things, in making appointments the legislation seeks to ensure diverse geographical representation on the board from each congressional district.

## JUDICIARY

The Judiciary Committee met on Tuesday, February 25, and gave consideration to several matters.

**H.4223**, which enacts the "**SOUTH CAROLINA PAIN-CAPABLE UNBORN CHILD PROTECTION ACT**," received a favorable with amendment report. This legislation makes legislative findings, including there is substantial medical evidence that an unborn child is capable of experiencing pain by twenty weeks after fertilization. This legislation provides that except in the case of a medical emergency, no abortion must be performed, induced, or attempted unless a physician has first made a determination of the probable post-fertilization age of the unborn child or relied upon such a determination made by another physician. Any person who intentionally or knowingly fails to conform to this requirement is guilty of a misdemeanor; failure by any physician to comply constitutes unprofessional conduct. The legislation prohibits abortions from being performed, induced, or attempted when the determination has been made that the probable post-fertilization age is twenty or more weeks. An exception is allowed for cases in which the mother has a condition that so complicates her medical condition as to necessitate the abortion to avert her death or to avert serious risk of substantial and irreversible physical impairment of a major bodily function, not including psychological or emotional conditions. When an abortion must be performed where the probable age of the fetus is twenty or more weeks, the legislation requires the physician to do so in a

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manner which provides the best opportunity for the unborn child to survive, unless terminating the pregnancy in this manner would pose a greater risk of either death or substantial and irreversible physical impairment of a major bodily function, not including psychological or emotional conditions, of the woman than would other available methods. The legislation requires physicians performing abortions to report certain information to the state registrar and the Department of Health and Environmental Control; the legislation includes provisions for reports made by physicians to protect individual patient information as well as for the reporting of abortion statistics to the public by the department. The legislation includes penalty provisions for any physician who fails to submit reports within certain timeframes; intentional or reckless falsification of any report by a physician is a misdemeanor. Any woman upon whom an abortion has been performed or induced in violation of these provisions, or the father of the unborn child, or any woman upon whom an abortion has been attempted in violation of these provisions, may maintain an action against the person who performed or induced the abortion in intentional or reckless violation of these provisions for actual and punitive damages. The legislation allows for a cause of action for injunctive relief against any person who has intentionally or recklessly violated these provisions. If judgment is rendered in favor of the plaintiff in an action, the court shall render judgment for a reasonable attorney's fee in favor of the plaintiff against the defendant. No damages or attorney's fee may be assessed against the woman upon whom an abortion was performed or induced or attempted to be performed or induced. The legislation includes provisions requiring the court to rule in every civil or criminal proceeding brought under these provisions whether the anonymity of any woman upon whom an abortion has been performed or induced must be preserved from public disclosure if she does not give her consent to such disclosure.

The full committee gave a favorable recommendation to **H.3169**. This legislation provides that **A DIVORCE MAY BE GRANTED ON THE GROUND OF CONTINUOUS SEPARATION FOR 150 DAYS** rather than the current requirement for separation for one year. The Judiciary Committee also gave a favorable report to **H.3170**, the companion **PROPOSED STATE CONSTITUTIONAL AMENDMENT TO ALLOW A DIVORCE TO BE GRANTED ON THE GROUND OF CONTINUOUS SEPARATION FOR 150 DAYS** rather than the current requirement for one year. The proposed amendment must be submitted to the qualified electors at the next election for representatives.

**S.657** received a favorable report. This legislation updates and revises **MAGISTRATE JURY POOL AREAS** in every county.

**H.4347**, which enacts the "**SOUTH CAROLINA CHILDREN'S ADVOCACY MEDICAL RESPONSE SYSTEM ACT**," received a favorable with amendment report. This legislation creates the South Carolina Children's Advocacy Medical Response System, a program administered by the University of South Carolina School of Medicine providing coordination and medical service resources statewide to agencies and entities that respond to victims of child abuse and neglect. The legislation provides for the duties and responsibilities of the program; among other things, the program shall develop, support, and maintain a consistent quality standard of care and practice for services intrinsic to the assessment of children with suspected abuse or neglect.

The Judiciary Committee gave a favorable with amendment recommendation to **H.3134**. This is a bill pertains to **MORTGAGE SATISFACTIONS**. This legislation provides

definitions for terms related to methods of entering a satisfaction of mortgage in the public records. Also, the legislation provides a procedure and form for use in execution that simplifies the current process of entering a satisfaction of mortgage in the public records without being required to provide the original debt instrument.

**H.3198**, relating to **COUNTY BOARD OF ELECTIONS AND VOTER REGISTRATION SUPERVISION AND CONTROL BY THE STATE ELECTION COMMISSION**, received a favorable with amendment report. This legislation requires each county board of elections and voter registration, of whatever name or denomination, and all their officials or employees, including members of each board, the director of the board, and all employees of the board, to perform their functions, duties, and powers relating to the conduct of elections and voter registration as provided by law under the direct supervision and control of the State Election Commission acting through its executive director. In the event of differences of opinion between any local officials or employees and the State Election Commission pertaining to the manner in which particular functions must be performed, the legislation provides that the decision of the State Election Commission acting through its executive director controls. The legislation includes provisions for removal of local public officials and local employees who wilfully fail to follow the law or the policy of the State Election Commission acting through its executive director. If a county board of elections and voter registration fails to certify the results of an election or referendum of which it is responsible for determining and certifying the results within forty-eight hours after the polls in that election or referendum have closed, this legislation devolves the responsibility upon the State Election Commission at that time.

**H.4364**, pertaining to **DUTIES OF THE EXECUTIVE DIRECTOR OF THE STATE ELECTION COMMISSION**, received a favorable with amendment report from the full committee. This legislation requires the executive director of the State Election Commission to publish on the commission's website each change to voting procedures by act or joint resolution of the General Assembly, or by ordinance of a political subdivision of the State, relating to the election laws of the State together with a brief explanation, if necessary, of each such enactment. Enactments and any accompanying explanations published on the commission's website must remain on the commission's website at least through the date of the next general election.

The Judiciary Committee gave a favorable with amendment report to **H.4560**, pertaining to **MATERIAL SUBJECT TO AN ORDER FOR DESTRUCTION OF ARREST RECORDS OR EXPUNGEMENT**. This legislation provides that evidence gathered, incident reports, and investigative files produced as a result of a law enforcement action or investigation must be retained, under seal, by the agency for future investigative purposes or any other law enforcement purpose for a period not to exceed three years from the date of the expungement order and are not subject to an order for destruction of arrest records. Provided, however, specific language indicating a subject has been arrested or charged with a crime must be redacted from the incident report following a no conviction disposition of such criminal charge. A violation of these provisions is a misdemeanor. Additionally, this legislation includes any associated bench warrant among records that must be destroyed when charges are dismissed or expunged.

**S.19**, relating to **BOND PROVISIONS**, received a favorable with amendment report. This legislation requires a bond hearing to occur within thirty days in circuit court if a person out on bond for a violent offense is charged with another violent offense not

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arising out of the same series of events as the initial violent offense charged. The legislation includes mandatory notice provisions about the second arrest. If the court finds that certain conditions of release on bond will ensure that the person is unlikely to flee or pose a danger to any other person or the community and the person will abide by the terms of release on bond, the legislation requires the judge to consider bond and set or amend bond accordingly. If the court finds no such conditions will ensure that the person is unlikely to flee or not pose a danger to the community, the legislation requires the court not to set bond for the instant offense and to revoke the bond for the initial offense. Currently, there are different statutory requirements for courts and magistrates to consider for setting bond; under this legislation, the requirements are made similar as the legislation adds to the lists of considerations for magistrates and amends wording with regards to law enforcement officers providing information to magistrates. Additionally, the legislation adds the requirement that both judges and magistrates consider whether the charged person appears in the state gang database maintained at the State Law Enforcement Division.

## LABOR, COMMERCE AND INDUSTRY

The Labor, Commerce and Industry Committee met on Thursday, February 27, and reported out several bills.

The committee gave a favorable report on **H.4643**, a bill relating to **PROFESSIONAL LICENSING FEES COLLECTED BY THE DEPARTMENT OF LABOR, LICENSING AND REGULATION**. The legislation repeals statutory provisions setting professional licensing fees for contractors and speech pathologists and audiologists so that these fees may be set through regulation rather than statute, as is the case with the other professional licensing fees administered by the Department of Labor, Licensing and Regulation.

The committee gave a favorable report on **H.4604**, a bill providing for an **EXEMPTION FROM ENGINEER LICENSURE REQUIREMENTS FOR PERFORMING CERTAIN MANUFACTURING COMPANY ACTIVITIES**. The legislation revises exemptions from the licensure requirement to practice engineering, so as to provide an exemption for the activities of full-time employees of a manufacturing company or other personnel under the direct supervision and control of the manufacturing company or its subsidiary, on or in connection with activities related to the research, development, design, fabrication, production, assembly, integration, installation, or service of products manufactured by the manufacturing company. This exemption does not apply to activities where the seal of a professional engineer is expressly required by statute, regulation, or building code, or to engineering services offered to the public.

The committee gave a report of favorable with amendment on **H.4578**, a bill **STREAMLINING THE PLAN APPROVAL, INSPECTION, AND CERTIFICATION PROCESS FOR SINGLE FAMILY RESIDENTIAL MODULAR BUILDINGS**. The legislation makes revisions to the South Carolina Modular Buildings Construction Act to allow a third-party approved inspection agency to perform final plan review and approval, inspection, and certification of a single family residential modular building. A copy of the approved plan must be filed with the Department of Labor, Licensing and Regulation, after which time the department may issue the necessary certification labels for units manufactured to the approved plan. For commercial or multifamily modular buildings, an approved inspection agency shall perform initial plan review and approval, inspection, and certification and the plans are then submitted to the Department of Labor, Licensing and Regulation for final plan review and approval.

The committee gave a favorable report on **H.4644**, a bill **CONFORMING THE SOUTH CAROLINA REAL ESTATE APPRAISERS LICENSE AND CERTIFICATION ACT TO NEW NATIONAL UNIFORM STANDARDS** for licensing, certifying, and recertifying real estate appraisers that provide for new minimum education and experience requirements.

The committee gave a report of favorable with amendments on **H.4731**, a bill updating provisions for **TELECOMMUNICATIONS SERVICES FOR HEARING AND SPEECH IMPAIRED PEOPLE** so that these programs can continue to be sustained in a telecommunications marketplace that has been transformed in recent years by such innovations as wireless and Internet-based services. Act 488 of 1990 authorized the Public Service Commission to establish a statewide program to provide telephone access to individuals with hearing or speech impairments, such as a dual party relay

system that allows those who are deaf, hearing, and speech impaired to communicate through an intermediary party, and authorized that these programs be funded through monthly surcharges imposed on all of a local exchange telephone company's residential and business lines. This legislation revises the funding mechanism for these programs so that surcharges are collected not only on traditional land line telephones, but also on the full array of telecommunications services offered in the contemporary market, including commercial mobile radio service (CMRS), prepaid wireless service, and Voice over Internet Protocol (VoIP) service. The legislation also repeals provisions for an advisory committee established to monitor statewide telecommunications relay access service.

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

The full Medical, Military, Public and Municipal Affairs Committee met on Tuesday, February 25, 2014, and reported out one bill.

The committee gave a favorable with amendment recommendation to **H.4550**, a bill that updates the **LICENSURE REQUIREMENTS FOR NURSING HOME AND COMMUNITY RESIDENTIAL CARE FACILITY (CRCF) ADMINISTRATORS**. The bill specifies that the "related health care administration" experience needed to qualify for a Nursing Home Administrator license does not include experience in an independent living community. It also allows an applicant to qualify for a Nursing Home Administrator license if he or she has a health-related associates degree from an accredited college and three years of practical experience in nursing home administration.

Among other things, the bill allows an applicant who is a licensed practical nurse who has at least one year (minimum 384 hours) supervised on-site work experience with supervisory to qualify for a CRCF license. The bill also preserves the existing grandfather clause for CRCF administrators without a college degree who became licensed prior to July 1, 2000.

# BILLS INTRODUCED IN THE HOUSE THIS WEEK

## AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

### **S.913 FALCONRY Sen. Campsen**

The bill outlines that in addition to a statewide hunting license, a falconry permit must be obtained for the privilege of engaging in falconry. The fee for the permit is one hundred dollars and the permit expires three years from the date of its issuance. The bill further outlines that a person holding a valid federal falconry permit on January 1, 2014, may engage in falconry without a South Carolina falconer's permit until the federal permit expires.

### **S.876 DEER HUNTING NEAR A RESIDENCE Sen. Cromer**

This bill provides that it is unlawful to hunt deer with firearms when less than ten feet above the ground near a residence without the permission of the owner.

### **H.4794 MORATORIUM ON DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL AUTHORIZATION OF REGISTRATIONS AND EXPANSION OF EXISTING REGISTRATIONS FOR WITHDRAWAL OF SURFACE WATER FOR AGRICULTURAL USES Rep. J. E. Smith**

This bill imposes a moratorium through December 31, 2015, on the Department of Health and Environmental Control authorization of registrations and expansion of existing registrations for withdrawal of surface water for agricultural. Every quarter, the department shall submit to the Senate Agriculture and Natural Resources Committee and the House of Representatives Agriculture, Natural Resources, and Environmental Affairs Committee a list of the requests for registration and expansion of existing registrations received during the moratorium, beginning January 2, 2015.

## EDUCATION AND PUBLIC WORKS

### **H.4802 SIGNS ALONG INTERSTATE HIGHWAY 385 Rep. Burns**

This is a concurrent resolution to request that the Department of Transportation erect individual signs at two mile intervals along Interstate Highway 385 from mile marker 22 to mile marker 34 that contain the words "World War I 1917-1918", "World War II 1941-1945", "The Korean War 1950-1953", "The Vietnam War 1956-1975", "Second Persian Gulf War 'Operation Desert Storm' 1991", "Afghanistan War October 7, 2001 to Present", and "Third Persian Gulf War March 19, 2003 to Present".

## JUDICIARY

### **S.268 BUSINESS RECORDS Sen. L. Martin**

Relating to evidence in judicial matters, this legislation provides a procedure for the certification of domestic and foreign records of regularly conducted activity or business records.

**S.815 CONVENTION NOMINATION OF CANDIDATES Sen. L. Martin**

This legislation provides that a party may choose to change nomination of candidates by primary to a convention if three-fourths of the convention membership approves of the convention nomination process, and a majority of the voters in that party's next primary election approves the use of a convention.

**S.840 PRESCRIPTION MONITORING Sen. Bryant**

This legislation revises the State's Prescription Monitoring Program so as to require dispensers to make daily submissions about information. The legislation also provides for an authorized delegate, which means an individual who is approved as having access to the prescription monitoring program and who is directly supervised by an authorized practitioner or pharmacist. The legislation provides that a pharmacist or practitioner who knowingly discloses prescription monitoring information in violation of provisions shall be reported to his respective board for disciplinary action. The legislation requires certain continuing professional education for physicians related to procedures for prescribing and monitoring controlled substances.

**H.4776 REPEAL OF SECTION 50-1-285 Rep. Rutherford**

This legislation repeals Section 50-1-285, relating to the admissibility of photographs of wildlife or fish in any prosecution for a violation of state fish, game, or natural resources laws.

**H.4777 COURTESY SUMMONS FOR FAILURE TO RETURN CERTAIN LEASED OR RENTED PROPERTY Rep. Rutherford**

This legislation restructures the penalty relating to failure to return leased or rented property so that when the value of the property is \$2,000 or less a person charged with a violation of this offense must be issued a courtesy summons.

**H.4790 BOND AND DOMESTIC VIOLENCE Rep. Allison**

If a court releases a person charged with a violent crime on bond, this legislation allows an alleged victim to petition the court for an order of protection at the bond hearing. This legislation allows a petition for an order of protection in domestic violence actions to be filed at a bond hearing. Relating to the right of a person charged with violation of a law to be heard in a magistrate or municipal court to deposit money instead of entering into recognizance, this legislation prohibits a person charged with criminal domestic violence from depositing money in lieu of personal recognizance. Relating to definitions provided for in the Protection from Domestic Abuse Act, this legislation expands the definition of court. Relating to jurisdiction over a petition for issuance of an order of protection in domestic violence actions, this legislation expands jurisdiction to other courts.

**H.4791 "ELECTRONIC DATA PRIVACY PROTECTION ACT"  
Rep. G. R. Smith**

This legislation enacts the "Electronic Data Privacy Protection Act". Among other things, this legislation provides that an entity may not search an electronic device without a search warrant, provides exceptions, and provides certain notice requirements.

**H.4795 "PROTECTION OF SOUTH CAROLINA CITIZENS FROM FEDERAL COLLECTION OF ELECTRONIC DATA AND METADATA"**

**Rep. K. R. Crawford**

This legislation enacts the "Protection of South Carolina Citizens from Federal Collection of Electronic Data and Metadata". The legislation prohibits a state agency, political subdivision, or employee from providing material support for, assisting, or participating in the collection of a person's electronic data or metadata by a federal agency. The legislation provides civil penalties for a violation of this prohibition.

**H.4796 MENTAL HEALTH COMMITMENT PROCEDURES**

**Rep. K. R. Crawford**

Under this legislation, certain mental health commitment procedures do not apply if the person sought to be committed is incarcerated or detained by law enforcement in a jail or other holding facility.

**H.4801 "REASONABLE PROTECTION OF PERSONS AND PROPERTY ACT"**

**Rep. Mitchell**

This legislation enacts the "Reasonable Protection of Persons and Property Act" relating to the use of deadly force against another person who unlawfully enters a residence, occupied vehicle, or place of business. This legislation deletes the reference to the authorized use of deadly force in a place where a person has a right to be under certain circumstances.

**H.4803 "MEDICAL CANNABIS THERAPEUTIC TREATMENT RESEARCH ACT" Rep. Horne**

Relating to the Controlled Substances Therapeutic Research Act of 1980, this legislation enacts the "Medical Cannabis Therapeutic Treatment Research Act". The legislation establishes the medical cannabis therapeutic treatment research program at the Department of Health and Environmental Control (DHEC). The legislation provides for patients eligible to participate in the program, provides who and under what circumstances medical cannabis can be administered to a patient, provides for notice to a participating patient that the patient will be participating in a research study and of the experimental nature of the medical cannabis program, provides for the protection of a participating patient's personal information, provides for the operation of the program by the director of DHEC, provides reporting requirements by academic medical centers that supervise or administer medical cannabis treatments, provides criminal and civil immunity from state actions or suits arising from the proper implementation of this legislation, and provides that the state shall defend state employees who, in good faith, carry out these provisions. The legislation requires DHEC to collaborate with academic medical centers to assist interested patients with the application process to participate in existing United States Food and Drug Administration-approved investigational new drug studies concerning medical cannabis.

**H.4805 COUNTIES MUST HAVE A SINGLE BOARD OF REGISTRATION AND ELECTIONS Rep. Clemmons**

This legislation requires all counties to have a single board of registration and elections. The legislation provides for a single board in the following counties: Cherokee, Dillon, Greenville, Greenwood, Horry, Spartanburg, and Williamsburg.

**H.4806 JUDICIAL MERIT SELECTION COMMISSION Rep. Burns**

This legislation revises the composition of the Judicial Merit Selection Commission. The legislation provides for fifteen commissioners with the membership appointed by the Governor. Under this legislation, there shall be two members from each of the seven congressional districts, one must be an attorney and one must be from the community at large and not an attorney; the legislative delegations of the congressional districts must make nominations to the Governor who may reject a nomination in which case the delegation may submit another nomination. If the congressional district is composed of more than two counties, the legislation provides that the appointments should rotate among the counties. Also, the legislation provides that the Governor makes an appointment from the general public, with the advice and consent of the Senate, who shall serve as the chairman of the commission. The legislation prohibits members of the General Assembly as well as both active and retired judges from serving on the commission. The legislation restricts former members of the General Assembly from serving on the commission until five years after leaving office.

**H.4809 UNLAWFUL DISSEMINATION OF SEXUALLY EXPLICIT MATERIALS WITH INTENT TO CAUSE SUBSTANTIAL EMOTIONAL DISTRESS  
Rep. Howard**

This legislation creates the offense of unlawful dissemination of sexually explicit materials with intent to cause substantial emotional distress, and it provides graduated criminal penalties for violations.

**H.4811 "SOUTH CAROLINA OVERDOSE PREVENTION ACT" Rep. Huggins**

This legislation enacts the "South Carolina Overdose Prevention Act" so as to provide certain professionals and other individuals protection from civil and criminal liability as well as professional discipline for prescribing, dispensing, or administering an opioid antidote to individuals at risk of an opioid overdose. The legislation requires provision of instructional information to nonhealth care professionals administering opioid antidotes and documentation of receipt of the instruction. The legislation provides for funding and for grants to organizations to support opioid overdose prevention and awareness projects. The legislation clarifies that these provisions do not relieve law enforcement and emergency responders of their legal responsibilities to respond to medical emergencies, criminal conduct, and for other purposes.

**H.4812 DUTIES OF THE EXECUTIVE DIRECTOR OF THE STATE ELECTION COMMISSION Rep. Clemmons**

This legislation revises the duties of the executive director of the State Election Commission to include the supervision of county boards of elections and voter registration. Among other things; this legislation devolves administrative functions of county boards of elections and voter registration upon the State Election Commission under certain circumstances.

## **LABOR, COMMERCE AND INDUSTRY**

**H.4800 PAWNBROKER REQUIREMENTS Rep. Bedingfield**

This bill provides for comprehensive revisions to the requirements governing the operation of pawnbrokers relating to such areas as: criminal background check requirements and financial responsibility requirements; the amounts of fees, fines, and loan charges; regulation by political subdivisions; record keeping requirements by

pawnbrokers on loans and goods pawned and pledged; new requirements for verification of pledgors and sellers; increases in the maximum amount of interest that may be charged and the maximum amount of a loan that may be made; requirements for conspicuously posting hours of operation; and, new authority for the Department of Consumer Affairs to issue a cease and desist order directly rather than having to obtain the order from the Administrative Law Court.

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

### **S.842 VETERAN'S UNCLAIMED CREMATED REMAINS Sen. Clearly**

This bill provides that a corner may work with a veterans service organization to provide for the disposition of unclaimed cremated remains of a veteran.

## **WAYS AND MEANS**

### **S.809 CAPITAL PROJECTS SALES TAX REFERENDUM Sen. Leatherman**

This bill revises capital projects sales tax provisions, so as to eliminate a provision allowing the referendum for imposition or reimposition to be held at a time other than at the time of the general election.

### **S.812 SOUTH CAROLINA RURAL INFRASTRUCTURE AUTHORITY**

**Sen. O'Dell**

This bill revised provisions governing the South Carolina Rural Infrastructure Authority, so as to update the list of counties in which a board member may reside or represent. The legislation removes the authority from the jurisdiction of the Administrative Procedures Act, and no longer requires the authority to obtain review and approval of the Joint Bond Review Committee before providing financial assistance, but requires the authority to submit an annual report to the Joint Bond Review Committee regarding loans and other financial assistance.

### **S.825 MILITARY HOUSING FACILITIES TAX EXEMPTION Sen. Alexander**

This bill exempts from ad valorem taxation any real property located within a military base or installation that is used or owned by the United States Armed Forces and is used as military housing for military affiliated personnel and their families even if the real property is improved, maintained, or leased to a party that would otherwise subject the real property to the tax, so long as there is a contractual agreement requiring the lessee to use the property for military housing.

### **H.4772 EXPUNGEMENT OF STATE TAX LIENS Rep. Nanney**

This bill revises provisions for the expungement of state tax liens, so as to clarify that expungement applies only to liens filed in error.

### **H.4778 "SOUTH CAROLINA NEW MARKET JOBS ACT" Rep. J. E. Smith**

This bill enacts the "South Carolina New Market Jobs Act" to provide a credit against insurance premium taxes and possible other states taxes made in certain investments by community development entities, providing investment capital for a qualified active low income community small business located in this state. This state insurance

premium tax credit is to be modeled on the federal new markets tax credit program providing federal income tax credits for such investments but limited to investments in this state. The legislation provides for a maximum initial individual investment, a maximum overall limit for all such investments eligible for the credit, and an annual maximum amount of credit that may be claimed. These credits apply over seven years and are nonrefundable and not saleable. The legislation establishes fees for processing applications for such credits and provides for recapture of the credits if qualifications are not maintained. The legislation provides for letter rulings by the Department of Revenue when federal regulations do not provide specific guidance.

**H.4779 RETENTION OF THE USS CLAMAGORE SUBMARINE Rep. Daning**

This joint resolution prohibits, through June 30, 2015, Patriots Point Development Authority from selling, donating, or otherwise disposing of the USS Clamagore submarine, which is a vessel in the Patriots Point Naval and Maritime Museum fleet and which is the only navy submarine of its type in the United States.

**H.4799 "SOUTH CAROLINA SMALL BUSINESS TAX INCENTIVES ACT"**

**Rep. Loftis**

This bill enacts the "South Carolina Small Business Tax Incentives Act", allowing various income tax deductions and credits for resident taxpayers for investment in qualified businesses in this state and to allow a jobs tax credit and an additional tax credit for qualified research expenses for such businesses. The legislation provides authority for certain qualified companies in this state to solicit investments from qualified resident investors in this state in order to enable them to raise money on an intrastate basis.

**H.4807 MUNICIPAL OR COUNTY-OWNED MULTIUSE SPORTS AND RECREATIONAL COMPLEX CORPORATE LICENSE TAX CREDIT**

**Rep. Edge**

This bill revises provisions for the corporate license tax credit allowed for cash contributions to provide infrastructure for eligible projects, so as to include in the definition of "eligible project" a municipal or county-owned, multiuse sports and recreational complex located in a county in which has been collected at least five million dollars in a fiscal year in state-imposed accommodations tax.

**H.4810 FOREST RENEWAL FUND Rep. Vick**

This bill revises forest renewal fund provisions, so as to allow the General Assembly to appropriate funding in any amount to the Forest Renewal Fund and to limit the assessments against primary forest product processors to eight hundred thousand dollars or five times the state appropriation, whichever is less.

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