



South Carolina House of Representatives

Legislative Update

ROBERT W. HARRELL, Jr., Speaker of the House

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HOUSE WEEK IN REVIEW

The House of Representatives amended, approved, and sent the Senate **H.3994**, the "**SOUTH CAROLINA READ TO SUCCEED ACT**" which establishes a comprehensive K-12 initiative for promoting reading proficiency in order to ensure that the state's public school students are reading at grade level or better. The legislation creates a South Carolina Read to Succeed Office within the State Department of Education to coordinate the initiative, requires implementation of comprehensive reading proficiency plans for prekindergarten through twelfth grade, requires school districts to engage the families of students as partners in promoting reading and writing habits and skills, and encourages districts to create family school community partnerships that focus on increasing the volume of reading. The legislation requires every student entering the public schools for the first time in prekindergarten and kindergarten to be administered a readiness assessment by the forty-fifth day of the school year. Assessment results must be reported to the state office and these results along with developmental intervention strategies recommended to address the child's identified needs must be provided, in writing, to the parent or guardian. Early grade students not demonstrating proficiency in reading must be provided intensive in-class and supplemental reading intervention. Beginning with the 2017-2018 school year, a student must be retained in the third grade if the student fails substantially to demonstrate grade-level reading proficiency. Certain exemptions from this mandatory retention requirement are allowed for such causes as limited English language proficiency and certain disabilities. The legislation allows students scoring at the lowest achievement level on the statewide summative reading assessment to enroll in a summer reading camp prior to being retained the following school year. If a student is not demonstrating third-grade reading proficiency by the end of third grade, the parent or guardian must be provided timely written notification of an impending retention and must receive a description of proposed reading interventions. The parent, guardian, or other designated education advocate must receive written reports at least monthly on the student's progress and must be provided with a plan for promoting reading at home, including participation in shared or guided reading workshops. The parent or guardian of a retained student must be offered supplemental tutoring for the retained student in evidenced-based services outside the instructional day. Retained students must be provided intensive instructional services and supports. For students in grades four and above who are not demonstrating reading proficiency, the legislation allows for interventions to be provided in the classroom and supplementally by teachers with special training in literacy or reading coaches. Supplemental support will be provided during the school day and, as appropriate, before or after school in book clubs or through a summer reading camp. School districts are subject to reporting requirements. The legislation revises professional development provisions and certification requirements for teachers and administrators to include a new emphasis on effective instruction in reading. The legislation requires specialized training and certification for reading coaches and others who are responsible for providing reading instruction or intervention.

The House concurred in Senate amendments to **H.3919**, legislation which provides for the **ELIMINATION OF THE HIGH SCHOOL EXIT EXAM AND THE ESTABLISHMENT OF COLLEGE AND CAREER READINESS ASSESSMENTS**. The legislation discontinues the administration of the High School Assessment Program (HSAP) tests and eliminates the provisions that require a public high school student to pass these exit

examinations in order to graduate and be awarded a high school diploma. The legislation establishes a window of opportunity, through 2015, during which time those who previously failed to receive a high school diploma or were denied graduation solely for failing to pass the high school exit exams may petition their local school boards to receive a high school diploma. Beginning in school year 2014-2015, all students entering the eleventh grade for the first time must be administered a college and career readiness assessment as required by the federal Individuals with Disabilities Education Improvement Act and by Title 1 of the federal Elementary and Secondary Education Act and that is from a provider secured by the State Department of Education. Such students must also be administered a WorkKeys assessment. The results of the assessments must be provided to each student, their respective schools, and to the state to: (1) assist students, parents, teachers, and guidance counselors in developing individual graduation plans and in selecting courses aligned with each student's future ambitions; (2) promote South Carolina's Work Ready Communities initiative; and (3) meet federal and state accountability requirements. Students may subsequently use the results of these assessments to apply to college or to enter careers. The results must be added as part of each student's permanent record and maintained at the department for at least ten years. The purpose of the results is to provide instructional information to assist in planning for each student's course selection, including dual-enrollment courses, advanced placement courses, internships, or other options during the remaining semesters in high school.

The House amended, approved, and sent the Senate **H.3893**, a bill relating to the **ADOPTION OF STATEWIDE EDUCATION STANDARDS AND ASSESSMENTS** for use in the state's K-12 public schools. The legislation addresses issues relating to national Common Core academic standards that have become aligned with federal programs and waivers offered through the U.S. Department of Education. This legislation makes revisions relating to the process for adopting education standards and assessments so as to require approval from the General Assembly if a standard is developed by an entity other than the State Department of Education (SDE). Currently, the General Assembly does not have input on the adoption of standards and assessments. Also, the legislation provides for notice to be provided to the General Assembly and Governor if the SDE or Education Oversight Committee (EOC) seeks to change an existing standard. The legislation prohibits the State Board of Education from adopting an assessment that will also be used as an accountability measure without the consent of the EOC. This legislation provides for an immediate review of the English/language arts and mathematics state standards not developed by the SDE to be completed by July 1, 2016. The legislation provides that South Carolina is no longer part of the Smarter Balanced consortium and may not adopt or administer the Smarter Balanced Assessment. The legislation includes provisions for the SDE, with approval of the State Board and EOC, to administer English/language and math summative assessment to students in grades 3-8. Students entering eleventh grade for the first time in 2014-15, and in subsequent years, will be given both a college and career readiness assessment. EOC will report the results of the assessment, but the results cannot be used to determine state report card ratings until after the 2015-16 school year. The legislation requires the EOC to develop and recommend a single accountability system that meets federal and state accountability requirements by the fall of 2016. Beginning with the graduating class of 2015, this legislation provides that students are no longer required to meet the exit examination requirements in order to earn a high school diploma. The legislation establishes the "South Carolina Department of Education Data Use and Governance Policy" as a means of ensuring that all student

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data collected, managed, stored, transmitted, used, reported, and destroyed by the department is done so in a way to preserve and protect individual and collective privacy rights and ensure confidentiality and security of collected data. The policy includes prohibitions on the State Department of Education's collection of individualized student data directly from students or families as well as the transfer of such individualized data to the U.S. Department of Education.

The House amended, approved, and sent the Senate **H.3905**, the "**BACK TO BASICS IN EDUCATION ACT OF 2014**". This legislation adds cursive writing and memorization of multiplication tables to the required subjects of instruction in public schools and requires students to demonstrate competence in each subject before completion of the fifth grade. The Department of Education is directed to assist school districts in integrating the requirements into existing curriculum and to include appropriate materials in the approved state textbook adoption list so that they are available for selection by school districts. These provisions are applicable beginning with the 2014-2015 school year.

The House amended, approved and sent the Senate **H.4386**, which establishes a **PROHIBITION ON TEXTING WHILE DRIVING**. The legislation provides that it is unlawful for a person to use a wireless electronic communication device to compose, send, or read a text-based communication while operating a motor vehicle on the public streets and highways of this state. This prohibition does not apply to someone who is: (1) lawfully parked or stopped; (2) using a hands-free wireless electronic communication device; (3) summoning emergency assistance; (4) transmitting or receiving data as part of a digital dispatch system; (5) a public safety official while in the performance of their official duties; or (6) using a global positioning system device or an internal global positioning system feature or function of a wireless electronic communication device for the purpose of navigation or obtaining related traffic and road condition information. A violator must be fined not more than twenty-five dollars, no part of which may be suspended. A violator must not be fined more than fifty dollars for any one incident of one or more violations and no court costs, assessments, or surcharges may be assessed against a violator. The legislation prohibits a custodial arrest for a violation, except upon a warrant issued for failure to appear in court when summoned or for failure to pay an imposed fine. A violation of this prohibition on texting while driving does not constitute a criminal offense, and a violation must not be included in the offender's motor vehicle records maintained by the Department of Motor Vehicles or in the criminal records maintained by SLED and must not be reported to the offender's motor vehicle insurer. Someone may be stopped for a violation only when a law enforcement officer has probable cause that a violation has occurred based on a clear and unobstructed view of a driver making unlawful use of a wireless electronic communication device. A law enforcement officer may not seize, search, view, or require the forfeiture of a wireless electronic communication device because of a violation and is prohibited from searching or requesting to search a motor vehicle, driver, or passenger solely because of a violation of this prohibition on texting while driving. The Department of Public Safety is required to maintain statistical information regarding citations issued. During the first one hundred eighty days after the law goes into effect, law enforcement officers shall issue only warnings for violations. The legislation preempts all local government ordinances, regulations, and resolutions relating to the use of wireless electronic communication devices while driving on the public streets and highways of this state.

The House amended, approved, and sent the Senate **H.4454**, a bill **DISALLOWING PETTY CASH EXPENDITURES FROM CAMPAIGN ACCOUNTS**. The legislation eliminates petty cash provisions that currently apply to transactions of no more than \$25 from statutory provisions governing the use of political campaign funds and provides instead that all expenditures from campaign accounts, regardless of amount, must be made by checks drawn upon a campaign account, debit or credit cards, or online transfers.

The House approved and sent the Senate **H.4457**, a bill providing that **CAMPAIGN FUNDS MAY NOT BE USED TO PAY ETHICS COMMISSION FINES** or any other fines, fees or charges imposed by an appropriate supervisory office.

The House amended, approved, and sent the Senate **H.3198**, a bill providing for **STATE ELECTION COMMISSION OVERSIGHT OF COUNTY BOARDS OF ELECTIONS AND VOTER REGISTRATION**. The legislation charges the executive director State Election Commission with supervising the conduct of county boards of elections and voter registration and ensuring that those boards and all who are involved in the elections process comply with state voting law requirements and applicable federal law. The State Election Commission is directed to conduct reviews, audits, or other postelection analysis in order ensure compliance and is empowered to assume temporary control over the administrative functions of county boards of elections and voter registration when it finds a board has failed to comply with applicable state or federal law or Election Commission policy regarding the conduct of elections or the voter registration process or when a county board fails to certify the results of an election or referendum within forty-eight hours after the polls have closed. The legislation establishes a statutory protocol that a county may use if it chooses to combine its separate election board and voter registration board into a single consolidated board. The legislation also provides clarification under provisions that relate to how a political party may choose to change from nomination of candidates by primary to a method for nominating candidates by convention.

The House amended, approved, and sent the Senate **H.4859**, the "**MILITARY FAMILY QUALITY OF LIFE ENHANCEMENT ACT OF 2014**". The legislation includes several initiatives that are geared towards benefitting military service members and their families.

Medicaid Waiver Protections

The legislation provides for Medicaid waiver protections so that the State Department of Health and Human Services shall, to the extent possible and upon the department of receiving federal approval, maintain the waiver status of an eligible family member of a member of the armed services who maintains his South Carolina state residence, regardless of where the service member is stationed.

Military-Connected Children's Welfare Task Force

The legislation creates the Military-Connected Children's Welfare Task Force for the purpose of identifying issues related to military-connected children and opening communication between child welfare agencies of South Carolina and local military installations. The legislation provides for the membership of the task force and that the members serve without compensation and may not receive mileage or per diem. The

legislation requires the task force to submit an annual written report to the General Assembly. The findings and recommendations of the task force must also be posted on the Department of Health and Human Services' website.

Veterans Treatment Court Program

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

Education Provisions

This legislation directs the Education Oversight Committee to establish a comprehensive annual report concerning the performance of military-connected children who attend primary, elementary, middle, and high schools in South Carolina. Relating to in-state tuition rates, this legislation eliminates the twelve month domicile requirement for veterans and their dependents that evidence intent to establish domicile in South Carolina.

Voting Provisions

This legislation allows members of the Armed Forces and Merchant Marines, their spouses, and dependents residing with them to vote by absentee ballot in all elections, whether or not they are absent in their county of residence on election day.

The House amended, approved, and sent the Senate **H.3112**, the "**SOUTH CAROLINA GIVING BACK TO OUR VETERANS ACT**" which authorizes a state individual income tax deduction for all military retirement benefits attributable to active duty service in the United States armed forces. These tax relief provisions are phased in under a three year schedule, with the full deduction available after 2015.

The House approved and sent the Senate **H.4348**, a bill addressing court-ordered **GRANDPARENT VISITATION** of minor children. The legislation enhances the authority of the state's family courts to order visitation for grandparents of minor children in instances where the parents are divorced, deceased, or living separate and apart in different habitats by eliminating the current prerequisite for visitation orders that the grandparent must have maintained a relationship with the minor child that is similar to a parent-child relationship.

The House amended, approved, and sent the Senate **H.3959**, a bill that makes it **UNLAWFUL TO POSSESS, SELL, DISTRIBUTE, PRODUCE, OR FACILITATE SEXUALLY EXPLICIT NUDE VISUAL REPRESENTATIONS OF MINORS** under state

statutes. The legislation revises state criminal offenses relating to the sexual exploitation of a minor through live performances or visual representations, so that these offenses apply not only to the display of a minor engaged in sexual activity but also to the appearance of a minor in a state of sexually explicit nudity when a reasonable person would infer the purpose is sexual stimulation. Additionally, this legislation increases the maximum penalty for second degree sexual exploitation of a minor from ten years to fifteen years imprisonment.

The House amended, approved, and sent the Senate **H.4476**. This legislation requires the **VIDEO RECORDING OF AN INCIDENT SITE WHEN A PERSON IS CHARGED WITH A TRAFFIC OFFENSE RELATED TO THE UNLAWFUL USE OF ALCOHOL OR ANOTHER ILLEGAL SUBSTANCE TO INCLUDE AN AUDIO RECORDING**.

The House amended, approved, and sent the Senate **H.3539**, a bill **REVISING TIMES WHEN ALCOHOLIC LIQUOR SALES ARE PROHIBITED**. The legislation removes the statutory prohibition on selling alcoholic liquors on statewide election days, and provides that it is unlawful for retail liquor stores to sell alcoholic liquors on Christmas Day.

The House amended, approved, and sent the Senate **H.4354**, relating to **PATIENTS' MEDICAL RECORDS**. This legislation clarifies that a patient or his legal representative is entitled to receive his medical records, including medical bills, in an electronic format or as a photocopied reproduction in the format requested by the patient. If, however, the physician or other owner of the records does not possess an electronic version of the record, it may satisfy the request by providing a photocopied reproduction. This legislation places limits on fees for medical records. The legislation provides for sixty-five cents per page for the first thirty printed pages and fifty cents per page for all other pages plus a clerical fee not to exceed twenty dollars for searching and handling, which combined with the per page print cost may not exceed \$200 per request, and to which may be added actual postage and applicable sales tax. The legislation provides for sixty-five cents per page for the first thirty pages provided in an electronic format and fifty cents per page for all other pages provided in an electronic format, plus a clerical fee not to exceed twenty dollars for searching and handling, which combined with the per page costs may not exceed \$15, but to which may be added actual postage and applicable sales tax. This does not change the current provisions in law that no fee may be charged for records copied at the request of a health care provider or for records sent to a health care provider at the request of the patient for the purpose of continuing medical care.

The House amended, approved, and sent the Senate **H.4916**, a bill establishing **SAFEGUARDS AGAINST AN UNINTENTIONAL LAPSE IN A LONG-TERM CARE INSURANCE POLICY**. As a protection against unintentional lapse, the legislation establishes notification requirements for an insurer before it may consider a long-term care insurance policy that it has written to be terminated at the request of the policyholder or certificate holder or lapsed or terminated for nonpayment of premium. The legislation establishes a protocol requiring the reinstatement of coverage in the event of lapse or termination if the insurer is provided proof that the policyholder or certificate holder was cognitively impaired or had a loss of functional capacity before the policy's grace period expired.

The House approved and sent the Senate **H.4927**, a bill establishing **DISCLOSURE REQUIREMENTS INVOLVING THE LIFE INSURANCE POLICY OF A DECEASED**

INDIVIDUAL. The legislation establishes a protocol under which life insurance companies are required to disclose certain information about a deceased insured's life insurance upon the request of licensed funeral directors or their employees. Funeral directors who do not receive a timely response from insurers may refer the request to the Department of Consumer Affairs, which shall treat the referral as a consumer complaint. Funeral directors are subject to requirements to make reasonable efforts to locate beneficiaries in a timely manner, relay information obtained from the insurance carrier regarding any life insurance contracts, and provide notice that the beneficiary of a life insurance policy has no legal duty or obligation to spend any of that money on the funeral, debts, or obligations of the deceased. Penalties are established for violations.

The House amended, approved, and sent the Senate **H.3722**, legislation updates laws pertaining to **NOTARIES PUBLIC**, many of which have not been revised in decades. Highlights of this legislation include the following. The legislation provides definitions for the notarial acts and procedures which are not present in current law. The legislation provides misdemeanor criminal penalties for various offenses relating to notarial acts, including the act of holding one's self out as a notary without a valid notary commission. 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; 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 and includes disclosure requirements for travel fees; however, fees are not required for services. 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.

The House refused to concur in Senate amendments to **H.4482**, a bill **DESIGNATING THE COLUMBIAN MAMMOTH AS THE OFFICIAL STATE FOSSIL** of South Carolina.

The House approved and sent the Senate **H.4383**, a bill authorizing the Department of Motor Vehicles to issue **SOUTH CAROLINA STANDS WITH ISRAEL SPECIAL LICENSE PLATES**.

The House amended, approved, and sent the Senate **H.3626**, a bill providing **AUTHORIZATION FOR A MAJOR MOTORSPORTS ENTERTAINMENT COMPLEX AND A MAJOR TENNIS FACILITY TO OBTAIN ANNUAL ALCOHOL SALES LICENSES**. The legislation revises provisions for the issuance of licenses and permits for the purchase, sale, and consumption of beer and wine and for alcoholic liquors by the drink so as to provide authorization for these licenses and permits to be issued on an annual basis, rather than an event-driven basis, for a major motorsports entertainment complex and a major tennis specific complex that have prominent roles in promoting tourism for the state.

The House amended, approved, and sent the Senate to **H.4673**. Relating to **DEFINITIONS REGARDING THE LIMITATION ON LIABILITY OF LANDOWNERS**, this legislation includes aviation activities within the definition of 'recreational purpose'.

The House approved and sent the Senate **H.4911**, a bill providing for the **ELIMINATION OF THE SMALL EMPLOYER INSURER REINSURANCE PROGRAM**. The legislation provides for the board of directors of the South Carolina Small Employer Insurer Reinsurance Program to develop a plan to phase out and terminate the program and the coverage it offers before January 1, 2015. The legislation revises provisions of the Small Employer Health Insurance Availability Act to reflect the elimination of the South Carolina Small Employer Insurer Reinsurance Program.

The House approved and sent the Senate **H.4602**, legislation making **REVISIONS TO THE EDUCATION CAPITAL IMPROVEMENTS SALES AND USE TAX ACT** to allow the tax to be imposed to defray debt obligations of the school district, thereby reducing property taxes. The legislation allows the referendum to include a separate question on the authorization of general obligation bonds pursuant to the constitutional exemption. The legislation provides the form of the question and changes the timing of a reimposition referendum to allow for the uninterrupted collection of the tax should it be approved by the voters.

The House amended, approved and sent the Senate **H.4997**, pertaining to **NONFRANCHISE AUTOMOBILE DEALER LICENSES**. This legislation provides that each nonfranchise automobile dealer (also known as an independent dealer) license issued after January 1, 2015, expires annually. In order to renew the license, an independent dealer must submit satisfactory proof of at least four hours of continuing education. The legislation requires providers of continuing education to be approved by the Department of Motor Vehicles. These provisions must not be retroactively applied to independent dealers licensed before January 1, 2015. However, these provisions as well as certain pre-license education course requirements do not apply to the following: franchised automobile dealers or independent automobile dealers owned and operated by franchised automobile dealers; independent dealers whose primary business is salvage motor vehicles; and independent dealers whose primary business objective and substantial business activity is the rental of motor vehicles.

The House amended and rejected **H.3765**, a bill providing for **CHARITABLE BINGO REVISIONS**.

HOUSE COMMITTEE ACTION

AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

The Committee on Agriculture, Natural Resources, and Environmental Affairs met on Thursday, April 10, 2014, and reported out three bills.

The committee gave a favorable with amendment recommendation to **S.1071**, a bill that reduces the number of **GAME ZONES** in the state. The legislation reduces games zones from six to four in order to provide for more standardization and simplification of the state game laws. The bill also changes raccoon bag limits from three per person per day to three per party per day.

S.1070, legislation relating to the **HUNTING AND TAKING OF WILD TURKEY**, was given a favorable with amendment report by the full committee. This bill restructures the provision for the hunting and taking of male wild turkeys so that it is the same across the state, and it expands the season for most of the state. The bill reduces the season bag limit from five to three for male wild turkeys which may be taken with archery equipment or any lawful firearm and ammunition.

The legislation further outlines that within one hundred eighty days of the conclusion of the third turkey season following the effective date of this law, the Department of Natural Resources must conduct an analysis of the wild turkey resources in South Carolina and draft a report recommending any changes to the wild turkey season and bag limits. This report must be submitted to the chairman of the Senate Fish, Game and Forestry Committee, and the chairman of the House Agriculture and Natural Resources Committee. The amendments in the current turkey seasons and bag limits will remain in effect until November 6, 2017, and at such time will revert back to the original law.

The full committee gave **S.913**, legislation regarding **FALCONRY**, a favorable report. The bill outlines that in addition to a statewide hunting license, a falconry permit must be obtained for the privilege of engaging in falconry. Falconry is the hunting of wild quarry in its natural state and habitat by means of a trained bird of prey or raptor (Order Falconiformes or Order Strigiformes other than bald eagle). 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.

EDUCATION AND PUBLIC WORKS

The full Education and Public Works Committee began meeting on Wednesday morning, April 9, and recessed when the House of Representatives convened; the full committee completed its agenda Thursday morning, April 10.

The full Education and Public Works Committee gave a favorable with amendment report to **H.3893**, a bill relating to the **ADOPTION OF STATEWIDE EDUCATION STANDARDS AND ASSESSMENTS** for use in the state's K-12 public schools. The legislation addresses issues relating to South Carolina's adoption of national Common Core academic standards that have become aligned with federal programs and waivers offered through the U.S. Department of Education. This legislation makes revisions relating to the process for adopting education standards and assessments so as to require approval from the General Assembly if a standard is developed by an entity other than the State Department of Education (SDE). Currently, the General Assembly does not have input on the adoption of standards and assessments. Also, the legislation

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provides for notice to be provided to the General Assembly and Governor if the SDE or Education Oversight Committee (EOC) seeks to change an existing standard. The legislation prohibits the State Board of Education from adopting an assessment that will also be used as an accountability measure without the consent of the EOC. This legislation provides for immediate review of the English/language arts and Mathematics state standards not developed by the SDE; the review must be completed no later than July 1, 2016. The legislation provides that South Carolina is no longer part of the Smarter Balanced consortium and may not adopt or administer the Smarter Balanced Assessment. The legislation includes provisions for the SDE with approval of the State Board and EOC to administer English/language and math summative assessment to students in grades 3-8. Students entering eleventh grade for the first time in 2014-14, and in subsequent years, will be given both a college and career readiness assessment. EOC will report the results of the assessment, but the results cannot be used to determine state report card ratings until after the 2015-16 school year. The legislation requires the EOC to develop and recommend a single accountability system that meets federal and state accountability requirements by the fall of 2016. Beginning with the graduating class of 2015, this legislation provides that students are no longer required to meet the exit examination requirements in order to earn a high school diploma. The legislation establishes the "South Carolina Department of Education Data Use and Governance Policy" as a means of ensuring that all student data collected, managed, stored, transmitted, used, reported, and destroyed by the department is done so in a way to preserve and protect individual and collective privacy rights and ensure confidentiality and security of collected data. The policy includes prohibitions on the State Department of Education's collection of individualized student data directly from students or families as well as the transfer of such individualized data to the U.S. Department of Education.

H.4997, pertaining to **NONFRANCHISE AUTOMOBILE DEALER LICENSES**, received a majority favorable report from the full committee and a minority unfavorable report. This legislation provides that each nonfranchise automobile dealer (also known as an independent dealer) license issued after January 1, 2015, expires annually. In order to renew the license, an independent dealer must submit satisfactory proof of at least four hours of continuing education. The legislation requires providers of continuing education to be approved by the Department of Motor Vehicles. These provisions must not be retroactively applied to independent dealers licensed before January 1, 2015. However, these provisions as well as certain pre-license education course requirements do not apply to the following: franchised automobile dealers or independent automobile dealers owned and operated by franchised automobile dealers; independent dealers whose primary business is salvage motor vehicles; and independent dealers whose primary business objective and substantial business activity is the rental of motor vehicles.

The full Education and Public Works Committee gave a favorable report to **H.4458**. This legislation provides **AUTHORIZATION FOR A SCHOOL DISTRICT TO EDUCATE STUDENTS ABOUT THE HISTORY, CUSTOMS, AND SYMBOLS OF TRADITIONAL WINTER CELEBRATIONS**, and it provides that a school district may display certain scenes or symbols associated with these holidays on school property unless the display includes a message that encourages adherence to a particular religious belief.

H.4914, legislation pertaining to the **ADMINISTRATION OF MIDAZOLAM INTRANASALLY TO STUDENTS WITH A SEIZURE CONDITION**, received a favorable report. Midazolam is a short-acting drug that is used for, among other purposes, treating

acute seizures. This legislation authorizes school nurses and certain other school personnel who have completed training to administer midazolam intranasally to students having a seizure while on school grounds or attending a school sponsored event. Midazolam may be administered only if the student's parent or guardian has provided written consent for its use, and the authorization may not be older than one year. The medication must be prescribed by a physician and must be in its original packaging or in packaging that contains a note from the prescribing physician or pharmacist identifying the medication as midazolam. The prescription must be current, and the medication must be administered as prescribed. Also, the legislation provides for immunity from liability with regard to administration of midazolam for school governing authorities, employees, and agents; however, this immunity does not apply to acts or omissions constituting gross negligence, or wilful, wanton, or reckless conduct. The legislation further provides that the administration of midazolam intranasally to a student having a seizure is not the practice of medicine or nursing.

H.4392 received a favorable with amendment recommendation from the full committee. Current law provides exceptions allowing **MODIFICATION AND WAIVER OF THE NORMAL RESTRICTIONS BY THE DEPARTMENT OF MOTOR VEHICLES FOR CERTAIN MINORS WHO ARE HOLDERS OF A SPECIAL RESTRICTED DRIVER'S LICENSE** if the restricted licensee proves to the department's satisfaction that the restriction interferes with employment or the opportunity for employment; travel between the licensee's home and place of employment or school; or travel between the licensee's home or place of employment and vocational training. This legislation provides that the restrictions may also be waived or modified to allow the license holder to travel between the licensee's home and church-related or sponsored activities. The legislation further provides that the waiver or modification of restrictions is applicable only for travel within the State of South Carolina. These provisions do not apply to route restrictions issued to certain DUI offenders.

H.4840, which enacts the "**HIGH SCHOOL EQUIVALENCY DIPLOMA ACCESSIBILITY ACT**," received a favorable with amendment recommendation from the full committee. A stated finding of the legislation is that adopting an alternative high school equivalency test that must be offered in a paper and pen or pencil format not dependent on the availability of computer-based technology is essential to broadening the accessibility of the testing needed to earn a high school diploma to those who need it most. Before January 1, 2015, the legislation requires the State Board of Education to select one or more tests or test batteries that an eligible candidate successfully may complete as an alternative to the General Education Development test battery to receive a high school equivalency diploma. An essential trait of this test or test battery is that it may be offered in a computer format, a handwritten, paper and pen, or paper and pencil format. Upon making its selection, the board shall authorize the administration of this test by the State Department of Education under policies that the board shall establish and other procedures that the board considers appropriate. The board shall issue a high school equivalency diploma to an eligible candidate who successfully completes an approved test or test battery after January 1, 2015. Relating to powers of the State Board of Education with respect to basic adult and secondary education, this legislation makes conforming changes.

The full Education and Public Works Committee gave a favorable with amendment report to **H.3532**. This legislation provides that **THE CITIZEN AND LEGISLATIVE JOINT COMMITTEE ON CHILDREN, IN CONJUNCTION WITH THE GOVERNOR'S**

CHILD CARE ADVISORY BOARD, SHALL HOLD PUBLIC HEARINGS AND COLLECT DATA AND RESEARCH ON CHILD CARE REGULATIONS to include dealing with the four hour exemption and summer and recreational camps. They shall provide a report and recommendations to the House Education and Public Works Committee and the Senate Education committee before January 31, 2015.

H.3904, a bill relating to **ELECTRONIC VEHICLE REGISTRATION, LIENS AND TITLING**, received a favorable with amendment report. This legislation allows the Department of Motor Vehicles (DMV) to expand its electronic vehicle registrations and electronic liens and titling programs to allow for processing of DMV transactions by more third party providers. The legislation provides that the DMV may certify third-party providers to process title, license plates, temporary license plates, and vehicle registration transactions on behalf of the department. The legislation requires the department to develop program terms, conditions, standards and specifications that third parties requesting certification must agree to in order to participate. The legislation allows the DMV and third-party providers to collect transaction fees from entities who transmit or retrieve certain data from the department. The legislation further provides that lien recordings may be electronically transmitted to the DMV; the legislation provides that the owners of motor vehicles or mobile homes may retain the electronic copy of the vehicle's title with the department once all liens are satisfied. Also, the legislation authorizes the DMV to convene a working group composed of stakeholders representing applicable industries to develop program specifications relating to governing the transmission of electronic lien information. The DMV must promulgate regulations pursuant to the specifications and standards developed by the working group.

H.5014 received a favorable report. This legislation deletes the various endorsements and restrictions that may be attached to a commercial driver license, and it provides that **ENDORSEMENTS AND RESTRICTIONS MAY BE ADDED TO A COMMERCIAL DRIVER LICENSE AS REQUIRED UNDER THE FEDERAL MOTOR CARRIER SAFETY REGULATIONS**.

H.4061, legislation which provides for **AGE-APPROPRIATE INSTRUCTION IN SEXUAL ABUSE AND ASSAULT AWARENESS AND PREVENTION**, received a favorable recommendation from the full committee. This legislation amends the South Carolina Comprehensive Health Education Act by requiring the State Board of Education to select or develop instructional units in sexual abuse and assault awareness and prevention, with separate units appropriate for each age level from four-year old kindergarten through twelfth grade. This legislation requires school districts to provide age-appropriate instruction in sexual abuse and assault awareness and prevention based on these units to all students beginning with the 2014-15 school year.

JUDICIARY

The full Judiciary Committee met on Tuesday, April 8, 2014.

The full Judiciary Committee gave a favorable report to **H.4859**, legislation which enacts the "**MILITARY FAMILY QUALITY OF LIFE ENHANCEMENT ACT OF 2014**". The

legislation includes several initiatives that are geared towards benefitting military service members and their families.

Medicaid Waiver Protections

The legislation provides for Medicaid waiver protections so that the State Department of Health and Human Services shall, to the extent possible and upon the department of receiving federal approval, maintain the waiver status of an eligible family member of a member of the armed services who maintains his South Carolina state residence, regardless of where the service member is stationed.

Military-Connected Children's Welfare Task Force

The legislation creates the Military-Connected Children's Welfare Task Force for the purpose of identifying issues related to military-connected children and opening communication between child welfare agencies of South Carolina and local military installations. The legislation provides for the membership of the task force and that the members serve without compensation and may not receive mileage or per diem. The legislation requires the task force to submit an annual written report to the General Assembly. The findings and recommendations of the task force must also be posted on the Department of Health and Human Services' website.

Veterans Treatment Court Program

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

Education Provisions

This legislation directs the Education Oversight Committee to establish a comprehensive annual report concerning the performance of military-connected children who attend primary, elementary, middle, and high schools in South Carolina. Relating to in-state tuition rates, this legislation eliminates the twelve month domicile requirement for veterans and their dependents that evidence intent to establish domicile in South Carolina.

Voting Provisions

This legislation allows members of the Armed Forces and Merchant Marines, their spouses, and dependents residing with them to vote by absentee ballot in all elections, whether or not they are absent in their county of residence on election day.

H.4607, which enacts the "**TRESPASSER RESPONSIBILITY ACT**," received a favorable with amendment report from the full committee. This legislation codifies common law provisions relating to trespassers. This legislation provides that a possessor of land owes no duty to a trespasser except to refrain from causing an intentional, reckless, wilful or wanton injury; however, the legislation includes certain protections for child trespassers. These provisions do not affect any immunities from or defenses to civil liability established by another part of the code of laws or available at common law to which a possessor of land may be entitled.

H.3958 received a favorable report. This legislation revises various references in the code of laws relating to law enforcement entities; generally, these revisions reflect that the **SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY** is an independent agency and no longer part of the Department of Public Safety. Relating to the Law Enforcement Training Council, this legislation provides that Chapter 23, of Title 23 also relates to the Criminal Justice Academy. The legislation provides definitions for the terms "academy" and "director", corrects certain references, and makes technical changes. Relating to the qualifications for the election of and training for coroners, the legislation substitutes the term "South Carolina Criminal Justice Academy" for the term "Department of Public Safety". Relating to reserve detention officers, this legislation substitutes the term "South Carolina Criminal Justice Academy" for the term "Department of Public Safety". Relating to the conditional release of a juvenile and the employment of probation counselors, the legislation substitutes the term "South Carolina Law Enforcement Training Council" for the term "Department of Public Safety", and it corrects certain references.

H.4085 received a favorable with amendment recommendation from the full committee. This legislation provides for a **SINGLE BOARD OF VOTER REGISTRATION AND ELECTIONS IN EACH COUNTY**; the previous offices of county election commissions and voter registration boards or combined boards are abolished and their duties devolved upon the Board of Voter Registration and Election (Board) for each county established by this legislation. However, those various board members currently serving shall continue to serve until the successor Board members established under the provisions of this legislation are appointed and qualify. Under this legislation, the Governor appoints, upon the recommendation of a majority weighted vote of the Senate legislative delegation and a majority weighted vote of the House of Representatives legislative delegation of the counties, not less than five nor more than nine persons in each county who are qualified electors to be the Board in each county. At least one appointee shall be a member of the majority political party represented in the General Assembly and at least one appointee shall be a member of the largest minority party represented in the General Assembly. The legislation requires Board members to take an oath of office which must be filed with the clerk of court of common pleas in the county in which they are appointed or if there is no clerk of court filed in the office of the Secretary of State. Except for initial Board members, the term of office for a member of the Board is four years, and until their successors are appointed and qualify. Members may succeed themselves. A Board member must be present at a meeting in order to vote. The legislation includes provisions for removal of a Board member for absenteeism, filling vacancies, electing Board officers, hiring a director, and Board and staff compensation. The legislation repeals Section 7-5-35, relating to combined election and registrations commissions, and Section 7-13-70, relating to appointment of county commissioners of election.

MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

The Committee on Medical, Military, Public and Municipal Affairs met on Tuesday, April 8, 2014 and reported out several bills.

S.983, a bill designating the month of March of each year as "**ENDOMETRIOSIS AWARENESS MONTH**", was given a favorable report by the full committee. The month of March is internationally recognized for endometriosis awareness activities.

Endometriosis is a condition where tissue similar to the lining of the uterus is also found elsewhere in the body, mainly in the abdominal cavity. It causes pain and infertility. There is no cure but it can be managed with treatment.

The committee gave a favorable with amendment recommendation to **S.275**, legislation relating to the **TEMPORARY TRANSFER OR ASSIGNMENT OF A MUNICIPAL OR COUNTY LAW ENFORCEMENT OFFICER TO A MULTIJURISDICTIONAL TASK FORCE**. It makes clear that a sheriff has the authority to enter into a written agreement for a multijurisdictional task force with another sheriff without the approval of the municipality or the county. The bill requires each law enforcement agency that enters into a multijurisdictional agreement, either by resolution or ordinance, with one or more other law enforcement agencies to notify in writing the respective political subdivision governing bodies when an agreement is entered into and when it is terminated. The notifications must be done within 72 hours of the execution and termination.

H.5005, a bill regarding the **POWERS AND DUTIES OF MUNICIPALITIES IN REGARD TO MUNICIPAL UTILITIES INCLUDING A WATER SYSTEM**, was given a favorable recommendation by the committee. As a result of a 2009 South Carolina Supreme Court ruling, the legislation clarifies that no municipality shall be required to conduct a referendum, and obtain a favorable vote, prior to or as a prerequisite of the sale of a water system. However, if a municipality chooses to hold a referendum prior to the sale of a water system, it must be conducted in the same manner as other municipal referendums.

The full committee gave a favorable recommendation to **S.997**, a bill updating the **SOUTH CAROLINA SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY STATUTE** to comply with other national licensing authorities approved by the American Speech-Language Hearing Association (ASHA).

Applicants awarded with a master's degree in audiology degree prior to January 1, 2007, must have least a masters degree in audiology or its equivalent from a school or program determined by the board to be equivalent to those accredited by the Council of Academic Accreditation (CAA) for Audiology and Speech-Language Pathology of (ASHA); completed a supervised clinical practicum; the completion of postgraduate professional experience; and the successful completion of a supervised clinical practicum, both approved by the board; or meet ASHA's standards for Certificate of Clinical Competence or its equivalent as approved by the board.

To qualify after 2007, audiologists are required to have a doctoral degree in audiology from a school or educational institution with regional accreditation determined by the

board; or meet ASHA's standards for Certificate of Clinical Competence or its equivalent as approved by the board.

WAYS AND MEANS

The Ways and Means Committee met on April 8, 2014, and reported out several bills.

The committee gave a report of favorable with amendments on **H.3112**, the “**SOUTH CAROLINA GIVING BACK TO OUR VETERANS ACT**” which authorizes a state individual income tax deduction for all military retirement benefits attributable to active duty service in the United States armed forces. These tax relief provisions are phased in under a three year schedule, with the full deduction available after 2015.

The committee gave a report of favorable with amendments on **H.3834**, a bill providing for **SOLAR ENERGY SYSTEM INSTALLATION TAX CREDITS**. The legislation provides a credit against income taxes, certain license and premium taxes, and other specified taxes for twenty-five percent of the cost of installing a non-residential solar energy system, with a cap of three hundred thirty-three thousand dollars per system, one million dollars per taxpayer, and total tax credits not to exceed one-half of the taxpayer's tax liability for any year. Credits must be taken in three equal annual installments. The total amount of credits for all taxpayers in a taxable year may not exceed five million dollars. Scheduled to run in conjunction with corresponding federal tax credits, these state tax credits are set to expire at the end of 2016.

The committee gave a favorable report on **H.4828**, a bill authorizing the **INCLUSION OF ADMINISTRATIVE LAW JUDGES IN THE STATE'S RETIREMENT SYSTEM FOR JUDGES** by providing that, on July 1, 2014, all administrative law judges who have not retired may elect to become members of the judicial retirement system and transfer prior service into the system.

The committee gave a favorable report on **H.4602**, legislation making **REVISIONS TO THE EDUCATION CAPITAL IMPROVEMENTS SALES AND USE TAX ACT** to allow the tax to be imposed to defray debt obligations of the school district, thereby reducing property taxes. The legislation allows the referendum to include a separate question on the authorization of general obligation bonds pursuant to the constitutional exemption. The legislation provides the form of the question and changes the timing of a reimposition referendum to allow for the uninterrupted collection of the tax should it be approved by the voters.

The committee gave a favorable report on **H.4944**, a bill providing for the extension of the **MULTIPLE LOT PROPERTY TAX DISCOUNTS** that have been provided for homebuilders and property developers during recent years of recession. The legislation eliminates the five-year limit currently imposed on these discounts to allow homebuilders and developers to receive the discounts on an ongoing basis.

The committee gave a report of favorable with amendments on **H.3733**, a bill addressing the **VALUE OF GREEN SPACE LAND USE IN ROLL-BACK TAX CALCULATIONS**. The legislation provides that, when calculating roll-back tax due on a parcel of real property changed from agricultural to commercial or residential use, the portion of the

property that is designated as 'green space' or 'open space', if this conservation area comprises at least ten percent of the residential or commercial development, must be valued according to its new green space or open space use for all purposes in calculating roll-back tax due on the parcel.

The committee gave a report of favorable with amendments on **H.4518**, a bill **DISALLOWING THE APPROPRIATION OF LOTTERY PROCEEDS FOR HIGHER EDUCATION CAPITAL IMPROVEMENT PROJECTS**. The legislation provides that, except for use in the South Carolina Higher Education Excellence Enhancement Program, no portion of the state's Education Lottery net proceeds may be appropriated for buildings or other capital improvement projects at or associated with an institution of higher learning.

The committee gave a report of favorable with amendments on **H.4632**, a bill **DESIGNATING THE UNIVERSITY OF CHARLESTON, SOUTH CAROLINA, AS A RESEARCH INSTITUTION**. The legislation designates the University of Charleston, South Carolina, as a research institution eligible to participate in South Carolina Research Centers of Economic Excellence provisions for endowed chair professorships in research areas targeted to create well-paying jobs and enhanced economic opportunities for the people of South Carolina. The University of Charleston, South Carolina, shall submit a mission statement corresponding with its designation as a research institution before January 1, 2015, and this mission statement must be approved by the Commission on Higher Education before April 1, 2015. The University of Charleston, South Carolina, shall not duplicate any degree programs offered in the Charleston region. The legislation does not alter the designation of the College of Charleston as a four year liberal arts college. The University of Charleston, South Carolina, and the College of Charleston must each be established as separate budget sections in the annual appropriations bill. The legislation also revises Research Centers of Economic Excellence provisions to direct endowed professorships and senior research universities to seek collaboration and develop partnerships with similarly focused programs at the state's technical colleges to meet the workforce demands of South Carolina's growing economy.

BILLS INTRODUCED IN THE HOUSE THIS WEEK

AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

S.1032 COASTAL ZONE CRITICAL AREAS Sen. Campsen

The bill outlines that the Office of Ocean and Coastal Resource Management may allow any technology, methodology, or structure for use in a pilot project to address an erosional issue in a beach or dune area.

S.1096 CATCH LIMITS IMPOSED ON THE TAKING OF CERTAIN FISH Sen. Campsen

It is unlawful for a person to take or possess in any one day more than forty-five of a combination of the following: spot, whiting, and Atlantic croaker, taken by hook and line.

S.1178 WILDLIFE MANAGEMENT AREAS Sen. Hembree

This bill provides that a hunter's privilege to participate in lottery hunts may be revoked if a DNR officer witnesses or has probable cause to believe that a violation has occurred. The bill further provides for remedies if the hunter is not convicted of violations arising from the lottery hunt.

EDUCATION AND PUBLIC WORKS

S.459 UNLAWFUL FOR A PERSON WITH A BEGINNER'S PERMIT, CONDITIONAL DRIVER'S LICENSE, OR SPECIAL RESTRICTED LICENSE TO USE A WIRELESS COMMUNICATION DEVICE WHILE DRIVING Sen. Sheheen

With limited exceptions, this legislation prohibits a person with a beginner's permit, conditional driver's license, or special restricted driver's license from using a wireless communication device while operating a vehicle on public roads. This provision does not apply to a person who is lawfully parked or stopped or summoning emergency assistance. Violations are misdemeanors, and there are graduated penalties for violations including two points assessed against the person's motor vehicle operating record for third and subsequent offenses. For a first offense, in lieu of a penalty, the legislation includes provisions to allow the person to complete a driver's education program within sixty days of the person's conviction date. A surcharge on this offense provides funding for the Trauma Care Fund administered by the Department of Health and Environmental Control (DHEC); the legislation directs the use of certain monies received by the Trauma Care Fund such as restricting DHEC from using these funds for the department's administrative or operating expenses or for any other purpose than providing financial aid to participating trauma care providers and grants related to trauma care. The legislation prohibits a law enforcement officer from: (1) stopping a person for a violation of this provision except when the officer has probable cause that a violation has occurred based on the officer's clear and unobstructed view of a person who is using a wireless electronic communication device on the public roads or the officer has probable cause based on a person's admission; (2) searching, seizing or requiring the forfeiture of a wireless electronic communication device because of a violation of this provision; (3) searching or requesting to search a motor vehicle, driver, or passenger in a motor vehicle, solely because of a violation of this provision; or (4) making a custodial arrest for a violation of this provision, except upon a warrant issued for failure to appear in court when summoned or for failure to pay an imposed fine. The legislation requires law enforcement officers to issue only warnings for the first 180 days. Additionally, the legislation preempts local ordinances, regulations, and resolutions adopted by local government entities regarding persons using wireless electronic communication devices while operating motor vehicles on the public roads.

S.516 "SOUTH CAROLINA READ TO SUCCEED ACT" Sen. Peeler

This legislation enacts the "South Carolina Read to Succeed Act". Highlights of the legislation include the following.

Comprehensive Reading Plans

The legislation requires the Department of Education (Department) with approval by the State Board of Education (Board) to develop, implement, evaluate, and continuously refine a comprehensive state plan to improve reading achievement in public schools; the State Reading Proficiency Plan must be approved by the Board by January 1, 2015.

Beginning in Fiscal Year 2015-2016, the legislation requires each district to prepare a comprehensive annual reading proficiency plan for prekindergarten through twelfth grade. Each district shall develop a comprehensive plan for supporting the progress of students as readers and writers, monitoring the impact of its plan, and using data to make improvements and to inform its plan for the subsequent years. Also, the legislation encourages districts to create family-school-community partnerships that focus on increasing the volume of reading.

Each school must prepare an implementation plan aligned with the plan of its district; the school plan should be sufficiently detailed to provide practical guidance for classroom teachers. In consultation with the School Improvement Council, each school must include in its plan the training and support that will be provided to parents.

South Carolina Read to Succeed Office

This legislation creates the South Carolina Read to Succeed Office (Office) within the Department to offer a comprehensive, systemic approach to reading. Duties of the Office include ensuring that: teachers use evidence-based reading instruction in prekindergarten through grade 12; teacher periodically reassess their curriculum and instruction; each student that cannot comprehend grade-level text is identified as early as possible; each student receives targeted, effective comprehension support from the classroom teacher and, if needed, supplemental support from a reading interventionist; students and parents are continuously informed in writing of reading proficiency needs, progress and ability and specific actions already taken and will be taken to help the student; specific actions the parent or guardian can take to help students comprehend grade level texts; classroom teachers receive preservice and in-service coursework which prepares them to help students comprehend grade-level texts; all students develop reading and writing proficiency to prepare them to graduate and to succeed in their career and postsecondary education. Other duties of the Office include developing the format for the reading plan, establishing the deadline for districts to submit their plans to the office for approval, reviewing and approving the district plans, monitoring the district and school plans, and using their findings to inform the training and support it provides. A school district that does not submit a plan or whose plan is not approved will receive no state funds for reading until it submits a plan that is approved. The Office shall establish a set of essential competencies that describe what certified teachers must know and be able to do so that all students can comprehend grade-level texts. The Office duties include providing professional development to educators and working collaboratively with institutions of higher learning.

Readiness Assessment and Reading Support

The legislation requires the State Superintendent of Education to ensure that every student entering the publically funded prekindergarten and kindergarten beginning in Fiscal Year 2014-2015 will be administered a readiness assessment by the forty-fifth day

of the school year. Initially the assessment shall focus on early language and literacy development. Beginning in 2016-17, the assessment must assess each child's early language and literacy development, mathematical thinking, physical well being, and social-emotional development. The results of the assessment and the development intervention strategies recommended to address the child's needs must be provided, in writing, to the parent or guardian. Also, the results of each assessment must be reported to the Office. Early grade students not demonstrating proficiency in reading must be provided intensive in-class and supplemental reading intervention.

Student Provisions

The legislation provides that beginning with the 2017-2018 school year, a student must be retained in the third grade if the student fails substantially to demonstrate third-grade reading proficiency at the end of the third grade. The legislation allows a student to be exempt for good cause from the mandatory retention but continue to receive instructional support and services and reading intervention appropriate for their age and reading level. Good cause exemptions include students: who have limited English proficiency; who have certain disabilities; who demonstrate third grade reading proficiency on an alternative assessment approved by the board and which teachers may administer following the administration of the state assessment of reading and after a student's participation in a summer reading camp; who have received reading intervention and were previously retained; or who through a reading portfolio document the student's mastery of the state standards in reading equal to at least a level above the lowest achievement level on the state reading assessment. The local school district superintendent determines whether a student in the district may be exempt from the mandatory retention by reviewing submitted documentation that has been first reviewed by the principal after submission by the child's teacher. The district superintendent's acceptance or rejection of the recommendation must be in writing and a copy must be provided to the parent or guardian of the child.

The legislation allows students substantially not demonstrating third-grade reading proficiency to enroll in a summer camp prior to being retained the following school year. The legislation provides minimum time-length requirements for these summer camps and minimum education and other requirements for the teachers providing instruction. School transportation shall be provided. The parent or guardian must make the final decision regarding the student's participation in the camp. The legislation allows a district to include in the summer reading camps students who are not exhibiting reading proficiency at any grade, and it allows the district to charge fees based on a sliding scale except where the child is found to be reading below grade level in the first, second or third grade.

If a student is not demonstrating third-grade reading proficiency by the end of third grade, his parent or guardian must be notified in a timely manner, in writing, that the student will be retained unless exempted from mandatory retention for good cause. The parent or guardian may designate another person as an education advocate also to act on their behalf to receive notification and to assume the responsibility of promoting the reading success of the child. The written notification must include a description of the proposed reading interventions that will be provided to help the student comprehend grade-level texts. The parent, guardian, or other education advocate must receive written reports at least monthly on the student's progress towards being able to read grade-level texts based upon the student's classroom work, observations, tests,

assessment, and other information. The parent, guardian, or other education advocate also must be provided with a plan for promoting reading at home, including participation in shared or guided reading workshops. The parent or guardian of a retained student must be offered supplemental tutoring for the retained student in evidenced-based services outside the instructional day.

Retained students must be provided intensive instructional services and supports. The school must report to the Office on the progress of students in the class at the end of the school year and at other times as required by the office based on the reading progression monitoring requirements of these students.

For students in grade four and above who are substantially not demonstrating reading proficiency, this legislation requires reading interventionists in the classroom and, as appropriate, before or after school as documented in the district reading plan. To help students develop and apply their reading and writing skills across the school day in all the academic disciplines this legislation requires teachers in a variety of content areas at all grade levels to focus on helping students comprehend print and non-print texts authentic to the content area. The legislation requires all teachers, administrators, and support staff to be trained adequately in reading comprehension in order to perform effectively their roles enabling each student to become proficient in content area reading and writing.

New Requirements for Teachers and Teacher Education Programs

The legislation revises professional development provisions and certification requirements for teachers and administrators to include a new emphasis on effective instruction in reading.

Child Early Reading Development and Education Program

This legislation creates the South Carolina Child Early Reading Development and Education Program which is a full day, four year old kindergarten program for at-risk children which must be made available to qualified child in all public school districts. The legislation provides for priority to certain plaintiff districts in the education equity lawsuit, Abbeville County School District et. al. vs. South Carolina, and with any funds remaining expands the program statewide. Note by budget proviso, the General Assembly established a pilot program that began during the 2006-2007 school year for at-risk four year old children in the plaintiff districts.

JUDICIARY

S.356 NOTARIES PUBLIC Sen. Alexander

This legislation updates laws pertaining to notaries public, many of which have not been revised in decades. Highlights of this legislation include the following. The legislation provides definitions for the notarial acts and procedures which are not present in current law. The legislation provides misdemeanor criminal penalties for various offenses relating to notarial acts, including the act of holding one's self out as a notary without a valid notary commission. 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; in Mexico a "notario publico" is responsible for the legality of the content of a document. 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 and includes disclosure requirements for travel fees; however, fees are not required for services. 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.

S.779 CERTAIN SOCIAL CARD AND DICE GAMES ARE NOT UNLAWFUL

Sen. Davis

Notwithstanding any other provision of law to the contrary, this legislation provides that it is not unlawful for persons who are members of a club or other social organization to gather for the purpose of engaging in games of tiles, cards, or dice, including, but not limited to, canasta, mahjong, and bridge, where the games are played among members in a private residence, home, or community clubhouse or similar structure; no mechanical or electronic devices or machines of any kind, slot machines, pull tabs, punch boards, pull boards, or video games, devices, or machines of any kind are used or incorporated in any way; no person or entity of any kind receives any direct or indirect economic, financial, or monetary benefit of any kind; the host of the game or owner or lessee of the location in which the games are played does not receive any direct or indirect economic, financial, or monetary benefit of any kind; there is no betting, wagering, or gambling of any kind; a bona fide social relationship among the participants exists; and, except for the advantage of skill or luck, the risks of losing or winning are the same for all parties.

S.813 UNLAWFUL ENTRY OR FAILURE TO LEAVE A PUBLIC LIBRARY

Sen. Hayes

This legislation provides that a person who, without legal cause or good excuse, enters a public library after having been warned by the library director, the branch manager, or the acting branch manager of the library in consultation with the library director is guilty of a misdemeanor and, upon conviction, must be fined not more than \$200 or be imprisoned not more than thirty days. A copy of the warning must be given to the person in writing and in the presence of a law enforcement officer. The legislation further provides that a person who fails and refuses to leave the library immediately, without good cause, upon being ordered or requested to do so by law enforcement, the library director, the branch manager, or the acting manager of the library in consultation with the library director is guilty of a misdemeanor and, upon conviction, must be fined not more than \$200 or be imprisoned not more than thirty days. A previous written warning is not required to enforce these provisions. A violation of these provisions is triable in the appropriate municipal or magistrates court with jurisdiction over the offense. Any law enforcement officer of this state or a subdivision of this state may enforce these provisions section within their respective jurisdictions. These provisions must be construed as in addition to, and not as superseding, another statute relating to trespass or unlawful entry on lands of another.

**H.5081 "STOP THE SCHOOL HOUSE TO JAIL HOUSE PIPELINE ACT"
Rep. Robinson-Simpson**

This legislation enacts the "Stop the School House to Jail House Pipeline Act" by creating the Restorative Justice Study Committee to review the juvenile justice laws of the state and make recommendations concerning proposed changes to facilitate and encourage diversion of juveniles from the juvenile justice system to restorative justice practices. The legislation provides for membership on the committee, and it requires the committee to make a report of its recommendations, which must include recommendations concerning a restorative justice pilot program, to the General Assembly by February 1, 2015, at which time the study committee must be dissolved. The legislation provides for common-sense zero tolerance policies in that the legislation provides that zero-tolerance policies must not be rigorously applied to petty acts of misconduct and misdemeanors, including, but not limited to, minor fights or disturbances. The legislation requires zero-tolerance policies to apply equally to all students regardless of their economic status, race, or disability. The legislation encourages schools to use alternatives to expulsion or referral. The legislation requires the Criminal Justice Academy to develop and implement a cultural competency model training program curriculum for school resource officers; the legislation provides content requirements for the curriculum and requires school resource officers to complete training based on the curriculum. The legislation repeals two code sections both relating to student expulsions.

**H.5100 REVISIONS PERTAINING TO DEPARTMENT OF SOCIAL SERVICES
CHILD PROTECTION Rep. Horne**

This legislation makes revisions pertaining to the Department of Social Services (DSS) and child protection issues. Relating to definitions applicable to child protection and permanency, the legislation adds definitions for "safety plan" and "voluntary treatment plan". Relating to preliminary investigations that must occur within twenty-four hours after a child is taken into emergency protective custody, this legislation requires DSS to observe and interview the child during the preliminary investigation and to develop a safety plan or voluntary treatment plan if DSS does not assume legal custody of the child but determines there is a need for corrective action to protect the health and safety of the child. The legislation requires DSS to develop a safety plan or voluntary treatment plan that addresses the safety concerns and corrective action required by the parent or guardian when the department allows a child to remain in the home or with an alternative caregiver, rather than assuming legal custody, and it requires service providers to submit progress reports to the department.

**H.5103 SALARY REQUIREMENTS FOR CERTAIN OFFICIALS IN A COUNTY
THAT HAS A COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT
Rep. Williams**

In a county which has a council-administrator form of government, beginning July 1, 2014, this legislation provides that any elected county official, not including members of the county governing body, must receive a salary which is at least equal to ninety percent of that paid to the county administrator.

**H.5104 DRUG OR ALCOHOL-RELATED OVERDOSE MEDICAL TREATMENT
Rep. Long**

This legislation provides limited immunity from prosecution for certain drug and alcohol-related offenses committed by a person who seeks medical assistance for another person who is experiencing a drug or alcohol-related overdose or by a person who is

experiencing a drug or alcohol-related overdose and seeks medical assistance. The legislation allows the court to consider as a mitigating factor in proceedings related to other criminal offenses whether the person sought medical assistance for a person experiencing an overdose. The legislation limits the immunity to allow prosecution of a person for other crimes arising out of the drug or alcohol-related overdose, allows for admissibility of certain evidence, and provides civil and criminal immunity for law enforcement officers relating to the arrest of a person later determined to qualify for limited immunity.

H.5106 FAMILY CHILDCARE HOMES Rep. Horne

This legislation requires the Department of Social Services to issue deficiency notices to family childcare homes if an inspection reveals a deficiency, provides the correction process, and establishes criminal penalties. Relating to definitions applicable to childcare facilities, this legislation changes the definition of "complaint" to not require a written statement. Relating to the requirement to maintain a register about children enrolled in childcare facilities, this legislation makes it also to apply to family childcare homes. Relating to authorized and required inspections and investigations of childcare facilities, this legislation clarifies the right of the department to investigate a complaint made against a childcare center or group home, and also it makes the requirement and authorization regarding inspections and investigations applicable to family childcare homes. Relating to the requirement to have on premises at all times a caregiver with a current first aid and child-infant cardiopulmonary resuscitation certificate, this legislation makes this provision also to apply to family childcare homes. Relating to injunctions against continued operation of a childcare facility, this legislation makes this provision also to apply to family childcare homes. Relating to the requirement for registration of family childcare homes, so this legislation redesignates the definition of family childcare home and to repeal a code section relating to visits to family childcare homes.

H.5113 CONTENTS OF A STATEMENT OF ECONOMIC INTERESTS

Rep. Edge

Relating to contents of a statement of economic interests, this legislation further provides for a public official, public member, or public employee to report compensation he received as an employee or associate of a business contracted as a subcontractor.

H.5116 BAIL BONDSMEN ACTIONS Rep. Tallon

Relating to prohibited bail bondsmen actions, this legislation revises the minimum fee that must be charged and collected before a bondsman may execute a bond. The legislation provides that a bondsman may enter a payment agreement by complying with certain requirements. The legislation revises requirements for the return of collateral by a bondsman, and it requires bondsmen to provide certain notice before converting collateral to cash. The legislation requires bondsmen to return money received from the conversion that exceeds the final judgment or consent amount, less reasonable fees.

LABOR, COMMERCE AND INDUSTRY

**S.1099 EXEMPTION FROM UNEMPLOYMENT BENEFIT PROVISIONS FOR
MOTOR CARRIERS UTILIZING INDEPENDENT CONTRACTORS**

Sen. Sheheen

This bill revises exemptions from the definition of employment for unemployment benefit purposes, to provide an exemption for motor carriers that utilize independent contractors.

S.1100 EXEMPTION FROM UNEMPLOYMENT BENEFIT PROVISIONS FOR CORPORATE OFFICERS Sen. Bryant

This bill revises definitions concerning unemployment benefits and claims to provide that corporate officers are exempt from unemployment benefits unless the employer elects coverage. The legislation established the process of electing coverage. The legislation provides for federally required exemptions from the legislation for individuals employed by an Indian tribe and religious, charitable, educational, or other federally defined organizations.

H.5064 GENERAL AND MECHANICAL CONTRACTING LICENSURE REQUIREMENTS Rep. Bedingfield

This bill revises the requirement of a license to perform general contracting or mechanical contracting services for a project for which the total cost of construction exceeds five thousand dollars, so as to increase this amount to ten thousand dollars.

H.5067 FUNERAL MERCHANDISE RETAIL SALES OUTLETS Rep. Sandifer

This bill revises definitions concerning the licensure of embalmers and funeral directors, so as to revise the definition of the “practice of funeral service” to exclude retail sales outlets and to revise the definition of a “retail sales outlet”, so as to specify that an outlet may not be a part of or affiliated with a funeral home, embalmer, or the funeral process. The legislation provides that an establishment that satisfies the definition of a retail sales outlet is not required to hold a permit issued by the State Board of Funeral Service but must register with the board. The legislation revises permit requirements for funeral homes, branch funeral homes, retail sales outlets, and crematories, so as to remove retail sales outlets from the requirements and to provide for the registration of retail sales outlets. The legislation codifies and decreases existing fees.

H.5068 “OMNIBUS REGULATORY REFORM ACT OF 2014” Rep. Bedingfield

This bill enacts the “Omnibus Regulatory Reform Act of 2014”. The legislation revises the requirement of a license to perform general contracting or mechanical contracting services for a project for which the total cost of construction exceeds five thousand dollars, so as to increase this amount to ten thousand dollars. The legislation revises definitions concerning professions and occupations regulated by the State Board of Cosmetology, so as to revise the definition of a “beauty salon” to remove references to a rental booth or part or place of a building. The legislation revises definitions concerning the licensure of embalmers and funeral directors, so as to revise the definition of the “practice of funeral service” to exclude retail sales outlets and to revise the definition of a “retail sales outlet”, so as to specify that an outlet may not be a part of or affiliated with a funeral home, embalmer, or the funeral process. The legislation provides that an establishment that satisfies the definition of a retail sales outlet is not required to hold a permit issued by the State Board of Funeral Service but must register with the board. The legislation revises permit requirements for funeral homes, branch funeral homes, retail sales outlets, and crematories, so as to remove retail sales outlets from the requirements and to provide for the registration of retail sales outlets. The legislation codifies and decreases existing fees. The legislation revises qualifications for licensure as a massage/bodywork therapist, so as to revise the requirement of a high school

diploma or its equivalent to instead require at least a tenth grade education or its equivalent. The legislation repeals a provision relating to licensure requirements to practice hair braiding.

**H.5101 PROHIBITION ON THE SALE OF CHILDREN'S PRODUCTS WITH
FORMALDEHYDE Rep. Mitchell**

This bill prohibits the sale of a children's product that contains or releases formaldehyde. The legislation provides that manufacturers may not replace formaldehyde with other harmful chemicals.

MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

H.5063 HAIR BRAIDING Rep. Bedingfield

The legislation repeals Section 40-7-255 relating to Licensure Requirements to Practice Hair Braiding.

H.5065 MASSAGE/BODYWORK THERAPIST QUALIFICATIONS Rep. Bedingfield

The bill replaces the requirement of a high school diploma or its equivalent to require at least a tenth grade education or its equivalent for licensure as a massage/bodywork therapist.

H.5066 STATE BOARD OF COSMETOLOGY Rep. Bedingfield

The bill revises the definition of a beauty salon to remove references to a rental booth or part or place of building.

S.1036 "DENTAL SEDATION ACT" Sen. Clearly

The bill provides requirements concerning the provision of varying levels of sedation to dental patients. The bill also adds necessary definitions.

S.1084 TUBERCULOSIS EVALUATION Sen. Nicholson

Public or private schools, kindergartens, nurseries, or childcare facilities shall require employees or full time contracted workers to be reevaluated for tuberculosis every five years. These evaluations shall be kept on file with the custodian of records. As a condition of continued employment, any employee or contracted worker testing positive for tuberculosis, shall secure a health certificate from a licensed physician certifying that such person does not have tuberculosis in an active stage.

WAYS AND MEANS

S.862 EXEMPTION FROM REQUIREMENTS THAT RESIDENTIAL CONSTRUCTION BE DONE BY LICENSED RESIDENTIAL BUILDERS AND SPECIALTY CONTRACTORS Sen. Shealy

This bill revises state law requirements that residential construction be done by licensed residential builders and specialty contractors so as to provide and exemption from these requirements when the owner improves existing structures or appurtenances on the property at a cost not to exceed five thousand dollars.

S.1085 TRANSPORTATION INFRASTRUCTURE LOCAL SALES AND USE TAX Sen. Campbell

This bill establishes conditions for authorizing an extension of a transportation infrastructure local sales and use tax.

H.5080 ADVANCE PAYMENT OF PROPERTY TAX ON WATERCRAFT AND OUTBOARD MOTORS Rep. Rutherford

This bill conforms, beginning in 2015, the imposition of annual property tax on watercraft and outboard motors to the payment in the advance system currently used for imposing property tax on motor vehicles. The legislation provides for the annual registration of outboard motors for a fee of ten dollars, thereby providing a tax year for an outboard motor for the administration of the advance payment of property tax on outboard motors. The legislation revises provisions relating to dealer demonstration numbers for watercraft, so as to provide such demonstration numbers for outboard motors. The legislation revises provisions relating to the numbering of watercraft, so as to reduce the duration of the certificate of number from three years to one year, thereby providing a tax year for a watercraft for the administration of the advance payment of property tax on watercraft and to prorate the existing three-year thirty-dollar fee to ten dollars a year. The legislation provides penalties for violations.

H.5083 BAIL BONDSMEN Rep. Tallon

This bill establishes requirements of first year surety bondsmen and their supervising bondsmen. The legislation revises provisions relating to the surrender of defendants, so as to provide sureties may arrest defendants before forfeiture and may assist other surety bondsmen appointed with the same insurer. The legislation revises educational and examination requirements for applicants, so as to increase required education hours to eighty and to require first year surety bondsmen to give the Department of Insurance the names and license numbers of their supervising surety bondsmen. The legislation revises qualifications for licensure of professional bondsmen, surety bondsmen, and runners, so as to revise the education, training, experience, and residency requirements. The legislation revises provisions relating to examination of the business-related books and paperwork of professional bondsmen, their agents, or their runners by the department, so as to apply these provisions to surety bondsmen and to provide that professional bondsmen and surety bondsmen shall maintain an office and that this office must be accessible during normal business hours. The legislation requires a bondsman to provide the street address and mailing address of this office to the department and update changes to these addresses in a timely manner.

H.5102 TRANSPORTATION FUNDING AND OVERSIGHT Rep. Lucas

This bill provide a formula, beginning July 1, 2014, for the distribution of financial assistance from the South Carolina Transportation Infrastructure Bank based on the boundaries of regional councils of governments. The legislation establishes additional criteria for the selection of projects eligible to receive financial assistance under the South Carolina Transportation Infrastructure Bank Act. The legislation revises provisions relating to the reorganization of the South Carolina Department of Transportation, so as to eliminate the provision that the authority of the Governor to appoint the Secretary of the Department of Transportation expires effective July 1, 2015.

H.5105 EXPANSION OF JOB TAX CREDITS Rep. Felder

This bill revises criteria for qualifying service-related facilities that are eligible for job tax credits so as to add certain establishments that have a net increase of at least one thousand new full-time jobs at a single corporate campus in this state, with an average cash compensation level of at least one and one-half times either the state or county per capita income.

H.5109 SPECIAL PURPOSES REVENUE FUND Rep. Sellers

This bill reestablishes the Contingency Reserve Fund as the Special Purposes Revenue Fund (SPRF) and provides that there must be credited to SPRF all year-end surplus state general fund revenues not otherwise required to replenish the general reserve fund, revenues derived from eliminating various sales tax exemptions and savings achieved from the implementation of state government restructuring. The legislation provides that SPRF revenues must be appropriated or used as revenue offsets in the annual general appropriations act with one-third each for road maintenance and construction, a state individual income tax credit, and for additional funding for school base student costs. The legislation revises sales tax exemptions, so as to eliminate exemptions currently allowed for technical equipment sold to television and radio stations and cable television systems, motion picture film sold or rented to movie theaters, South Carolina Education Lottery tickets, the exempt portion of portable toilet rental proceeds, and amusement park rides installed in qualified amusement and theme parks.

H.5114 SECRETARY OF THE DEPARTMENT OF PARKS, RECREATION AND TOURISM Rep. Edge

This bill revises various statutory provisions to change the head of the Department of Parks, Recreation and Tourism from a "Director" to a "Secretary".

**H.5115 INTERNET ACCESSIBLE NOTICE SYSTEM FOR TAX LIENS
Rep. Bannister**

This bill revises provisions for tax liens, so as to allow the Department of Revenue to file tax liens validly by implementing an Internet accessible notice system.

H.5117 STATE STRATEGY FOR COPING WITH REDUCTIONS IN FEDERAL FUNDS Rep. Clemmons

This concurrent resolution supports a comprehensive state management process to assess the immediacy, severity, and probability of risks from any reductions of federal funds to the state and how the state will marshal its resources, both human and capital, to prioritize and provide the most essential government services.

H.5118 STATE AGENCY PLANS FOR COPING WITH REDUCTIONS IN FEDERAL FUNDS Rep. Clemmons

This bill requires that by October thirty-first of each year, each state agency shall submit a report detailing its federal receipts and developing a plan should its federal receipts be reduced. The legislation requires that by February fifteenth of each year, the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee must place the most recently received report on the agenda for review and consideration.

**H.5119 SOUTH CAROLINA FEDERAL FUNDS STUDY COMMITTEE
Rep. Clemmons**

Legislative Update, April 15, 2014

This joint resolution creates the South Carolina Federal Funds Study Committee to study and make appropriate findings and recommendations regarding the effect of a reduction in the amount of federal funds received by the state of South Carolina and its political subdivisions. The legislation to provide for study committee's membership and requires the committee to make its report to the Chairman of the Senate Finance Committee, the Chairman of the House Ways and Means Committee, and the Governor by October 31, 2015, at which time the committee is dissolved.

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