



South Carolina House of Representatives

Legislative Update

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

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CONTENTS

HOUSE WEEK IN REVIEW	02
BILLS INTRODUCED IN THE HOUSE THIS WEEK	03

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HOUSE WEEK IN REVIEW

Lawmakers returned to the State House on January 12, 2016, to commence the second regular session of the 121st South Carolina General Assembly.

The House of Representatives amended, approved, and sent the Senate **H.3440**, a bill making comprehensive statutory revisions regarding **MOPEDS**. The legislation establishes new requirements for registering and licensing mopeds with the Department of Motor Vehicles and for maintaining the same insurance coverage required of individual private passenger automobiles. New safety requirements are established for mopeds including requirements for moped operators and passengers to wear reflective vests and for a moped to be equipped with a rear red tail light that flashes continually while the moped is in motion. The legislation provides that it is unlawful for a person to operate a moped on the public roads in this state that have a speed limit of greater than fifty-five miles per hour. A moped, while traveling along a multi-lane highway, must be operated in the farthest right lane except when making a left turn. No person may operate a moped at a speed in excess of thirty-five miles an hour. Those who sell mopeds are required to post signs that provide brief explanations of such matters as age restrictions, maximum speeds, and the definition of a moped. A moped seller is not required to obtain a motor vehicle dealer's license. The legislation replaces the multiple, sometimes conflicting, definitions for mopeds currently found in statutes with a single new definition for mopeds and makes other revisions to allow for greater consistency in the way that the laws governing motor vehicles are applied to mopeds.

The House approved and sent the Senate **H.4632**, a joint resolution **REVISING THE APPLICABILITY OF CERTAIN STUDENT ASSESSMENT STATUTES FOR THE 2015-2016 SCHOOL YEAR** including authorization for all public high schools and, where necessary, career centers, to offer a state-funded college entrance assessment to each student entering the eleventh grade for the first time in school year 2015-2016.

The House approved and sent the Senate **H.4633**, a joint resolution **EXTENDING THE DEADLINE BY WHICH AN INDEPENDENT SCHOOL MUST APPLY TO BECOME AN ELIGIBLE INSTITUTION FOR PURPOSES OF THE EDUCATIONAL TAX CREDIT FOR EXCEPTIONAL NEEDS CHILDREN** until February 15, 2016.

BILLS INTRODUCED IN THE HOUSE THIS WEEK

AGRICULTURE, NATURAL RESOURCES AND ENVIRONMENTAL AFFAIRS

H.4640 *PROHIBITING THE DISCHARGE OF POLLUTANTS INTO THE ENVIRONMENT AND REMEDIES FOR VIOLATIONS* Rep. Lucas

The bill clarifies that persons who may file a petition with the SC Department of Health and Environmental Control do not include certain agencies of the state. In addition, the bill provides that any decision of the department with respect to the type of review obtained is not subject to judicial review.

H.4641 *RESTRUCTURING OF HEALTH AND ENVIRONMENTAL AGENCIES* Rep. Pope

The legislation renames the SC Department of Health and Environmental Control chapter to the Department of Behavioral and Public Health. The legislation reorganizes the chapter creating the Division of Public Health, transferring all public health responsibilities. The bill transfers the environmentally related responsibilities of the Department of Health and Environmental Control to the newly created Division of Environmental Protection under the Department of Agriculture. As a result, the bill abolishes the Department of Health and Environmental Control.

The legislation creates the Division of Mental Health within the Department of Behavioral and Public Health; makes conforming changes reflecting the transfer of responsibilities and abolishes the Department of Mental Health and the Mental Health Commission.

The legislation creates the Division of Alcohol and Other Drug Abuse Services within the Department of Behavioral and Public Health, makes conforming changes reflecting the transfer of responsibilities to the new created division and abolishes the Department of Alcohol and Other Drug Abuse Services

As noted, the legislation creates the Division of Environmental Protection within the Department of Agriculture and transfer the divisions, offices and programs of the Department of Health and Environmental Control that perform functions related to environmental regulation and protection.

EDUCATION AND PUBLIC WORKS

H.4619 *MISSED SCHOOL DAYS* Rep. Norrell

This bill relates to the requirement that all school days missed for school closings necessitated by weather conditions or other disruptions requiring schools to close must be made up, so as to provide that when schools close because the governor declares a state of emergency due to snow, extreme weather conditions, or other natural disasters, students in those schools are not required to make up any days missed as a result.

H.4639 *EDUCATIONAL INTERSTATE RECIPROCITY* Rep. Allison

This bill provides that the Commission on Higher Education may enter interstate reciprocity agreements that authorize accredited degree-granting institutions of higher education in this state to offer postsecondary distance education in a certain manner.

H.4663 KIDS GOLF WORLD CHAMPION Rep. Taylor

This concurrent resolution requests that the Department Of Transportation place signs along South Carolina Highway 39 at the northern and southern entrances to the Town of Salley that contain the words "Luke Parsons 2015 U.S. Kids Golf World Champion".

H.4667 "OLD PRINCE WASHINGTON" SCHOOL BOAT Rep. Anderson

This joint resolution directs the State Department of Education to transfer ownership of the "Old Prince Washington" public school boat to Georgetown County.

H.4673 BEGINNER'S PERMITS Rep. Hicks

This bill relates to a motor vehicle beginner's permit and vehicle operation, so as to provide that a permittee may not operate a motorcycle, motor scooter, or light motor driven cycle at any unpermitted time unless supervised by a licensed motorcycle, motor scooter, or light motor-driven cycle operator.

H.4674 DEFINITION OF CERTAIN EDUCATION TERMS Rep. Atwater

This bills defines the terms "instruction services" and "instructional services" beginning with the 2017-2018 school year.

JUDICIARY

H.4593 DONALD TRUMP UNWELCOME Rep. King

A resolution stating that the Members of the House of Representatives disapprove of Donald Trump's comments and, further, that he is not welcome in South Carolina.

H.4618 HATE INSPIRED CRIMES Rep. King

Sets out penalties for a person convicted of certain crimes when they are committed with an intent to assault, intimidate, or threaten any victims because of their race, religion, color, sex, age, nationality, origin, or sexual orientation. Penalties for the crime of malicious injury to real property are revised and heightened.

H.4620 FLAG REMOVAL VOTES Rep. Mitchell

This S.C. Code section specifies the flags to be flown on the Capitol Dome, at the State House complex, and in the House and Senate Chambers. This proposed bill deletes any requirement for a two-thirds vote for passage of an act to remove a flag.

H.4622 UNWELCOME ADVERTISING/SOLICITATION MATERIALS

Rep. Funderburk

Creates penalties for continuing to distribute advertising materials after certain addresses have given notice they do not want any. Establishes further penalties for failure to pay civil fines.

H.4623 ELECTRONIC MONITORING Rep. McKnight

Limits the circumstances for placing offenders on electronic monitoring programs as a condition of bond. Offenses include criminal sexual conduct and other violent crimes listed in S.C. Code Section 16-1-60, other than manufacturing or trafficking in illegal drugs.

H.4624 CONFEDERATE BATTLE FLAG REMOVAL AT THE CITADEL

Rep. Gilliard

Allows the Citadel to remove the Confederate Battle Flag, or any other War Between the States flag previously placed on campus in Summerall Chapel.

H.4626 REAPPORTIONMENT COMMISSION Rep. Neal

Establishes the South Carolina Reapportionment Commission. It would have seven members, who would submit reapportionment plans to the General Assembly for House, Senate, and Congressional District seats.

H.4627 SOUTH CAROLINA UNIFORM FIDUCIARY ACCESS TO DIGITAL ASSETS ACT Rep. J. E. Smith

Establishes a framework for internet users to manage and delete any stored digital assets after the death of the user, or becoming a 'protected person' as defined in the bill.

H.4628 SECOND AMENDMENT PRESERVATION ACT Rep. Hicks

Prohibits the use of public funds, people, or property to enforce any form of regulation relating to firearm ownership, use, or possession.

H.4629 WOMAN'S ULTRASOUND RIGHT TO KNOW ACT Rep. Hicks

Requires a doctor to inform pregnant women of the age of the fetus prior to performing an abortion. Requires an ultrasound to be performed and given to a pregnant woman before an abortion can be done. Requires informed consent to be received from the pregnant woman before an abortion takes place.

H.4630 UNIFORM ELECTRONIC RECORDATION OF CUSTODIAL INTERROGATIONS ACT Rep. J. E. Smith

Provides the circumstances when a law enforcement officer or agency must electronically record a custodial interrogation. Any failure to electronically record an interrogation is a determinative factor before admitting any statements into evidence. Prohibits civil liability for law enforcement officers or agencies involved in certain instances. Provides for self-authentication of electronic recordings.

H.4634 DISMEMBERMENT ABORTIONS Rep. Hicks

Prohibits dismemberment abortions. Sets penalties for performing them.

H.4635 DEPARTMENT OF TRANSPORTATION OFFICERS Rep. Bannister

Provides for the appointment of the Commissioners, the Secretary, and the board members for the Department of Transportation. Requires that commissioners or board

members serve no more than twelve years. Prohibits most new road construction projects until July 1, 2021.

H.4637 EMINENT DOMAIN Rep. Lucas

Establishes requirements before entities can exercise eminent domain.

H.4638 VOTING ON MONUMENTS, MEMORIALS, AND NAMES Rep. Lowe

Mandates a two-thirds vote by the membership of each house of the General Assembly before the removal, relocation, or renaming of monuments or memorials on public property. Also applies this requirement to structures, roads, or public areas in this state, named for wars, Native Americans, African Americans, or South Carolina historic events.

**H.4664 PROPERTY OWNERS LIABLE FOR CONCEALED WEAPONS BAN
Rep. Burns**

Provides that a premises owner is strictly liable for injuries sustained by a concealed weapon permit holder by a criminal subject who commits a crime on a premises that is posted with signs prohibiting the carrying of concealed weapons on those premises.

H.4665 MAGISTRATE SCREENING Rep. Tallon

Requires magistrates and candidates to become magistrates to be screened by the Judicial Merit Selection Commission.

H.4666 DOMESTIC VIOLENCE FATALITY REVIEW COMMITTEES Rep. Pope

Establishes a Domestic Violence Fatality Review Committee in each circuit. Sets out protocols, confidentiality, and subpoena authority in certain circumstances.

H.4668 SECOND AMENDMENT PRESERVATION ACT Rep. Chumley

Prevents state public funds, people, or property from being used to enforce any executive order or directive issued by the President of the United States after January 1, 2016 that regulates firearm ownership, use, or possession.

LABOR, COMMERCE AND INDUSTRY

**H.4631 CONTINUATION OF INSURANCE COVERAGE FOR INJURED
FIREFIGHTERS Rep. J. E. Smith**

This bill provides that an accident or health insurance plan shall continue to provide coverage to a firefighter who is unable to work as a result of an injury sustained in the course of employment. If the firefighter recovers or is able to obtain new accident or health insurance coverage, the original insurer shall continue to provide benefits for injuries sustained in the course of employment as a firefighter, including cancer treatments.

**H.4660 SURPLUS LINES INSURANCE PLACED THROUGH A LICENSED
INSURANCE BROKER Rep. Sandifer**

This bill revises provisions relating to those who are excluded from licensure as an insurance producer or an insurance agency, so as to except from these exclusions a licensed property and casualty insurance producer who places surplus lines insurance through a licensed insurance broker. The legislation revises provisions relating to limited line and special producer licensure, so as to provide that a licensed property casualty

insurance producer may place surplus lines insurance through a licensed insurance broker without being appointed by the surplus lines insurer.

H.4661 ACCEPTABLE PIPING MATERIAL IN THE STATE PROCUREMENT CODE Rep. Forrester

This bill provides criteria for what may be considered acceptable piping material when counties, municipalities, school districts, special purpose districts, and other local government entities are procuring materials and using state funds for a water supply, wastewater, stormwater, or storm drainage project.

H.4662 REENACTMENT OF THE INTERSTATE INSURANCE PRODUCT REGULATION COMPACT Rep. Gambrell

This bill provides for the reenactment of the Interstate Insurance Product Regulation Compact and related provisions, enacted by Act 339 of 2008, which expired on June 1, 2014. The legislation makes these reenacted provisions retroactive to this expiration date, and specifically does not reenact certain obsolete provisions.

H.4679 CUSTOMER REQUESTS FOR VOICE SERVICE FILED WITH THE PUBLIC SERVICE COMMISSION Rep. Forrester

This bill revises provisions relating to the election by, and duties, of the local exchange carrier and alternative forms of regulation, to allow the Public Service Commission to conduct an investigation in certain circumstances when a customer files a request for voice service with the commission and to delineate the commission's actions upon conclusion of the investigation.

MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

H.4644 DISPENSATION OF HORMONAL CONTRACEPTIVE PATCHES
Rep. Rutherford

This bill provides that the board of pharmacy shall issue a written protocol in compliance with which pharmacists, without an order of a practitioner, may prescribe and dispense hormonal contraceptive patches and self-administered oral hormonal contraceptives. The bill also provides that the board shall adopt certain rules to establish standard procedures for these prescriptions and dispensations.

WAYS AND MEANS

H.4621 PRIVATIZATION OF THE STATE'S PUBLIC COLLEGES AND UNIVERSITIES Rep. Pitts

This joint resolution provides that, beginning July 1, 2017, the State Fiscal Accountability Authority shall transfer the state's public four-year institutions of higher learning to a not-for-profit organization for the purpose of operating them as private rather than public institutions.

H.4625 LOCAL DEVELOPMENT IMPACT FEE TO COMBAT HOMELESSNESS

Rep. Gilliard

This bill authorizes the governing body of a county or municipality to impose an impact fee on any private developer for each new residential dwelling unit constructed by the developer within the county or municipality and provides that the funds collected from the fee may be used only for the prevention of, or measures to combat, homelessness.

H.4636 SHORTENED LEGISLATIVE SESSION AND BIENNIAL STATE GOVERNMENT BUDGETING Rep. Lucas

This bill revises the General Assembly's mandatory sine die adjournment date to provide for the General Assembly to adjourn each year by the first Thursday in May instead of the first Thursday in June. The legislation makes provisions for the legislature to engage in the state government budgeting process every other year rather than annually by requiring the General Assembly to enact, beginning with its 2017 session, a biennial state general appropriations act that spans two fiscal years. Under the legislation, the General Assembly retains the authority to approve supplemental appropriations bills and capital reserve fund appropriations in both even-numbered and odd-numbered years.

Legislative Update, January 19, 2016

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