



South Carolina House of Representatives

Legislative Update

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

Vol. 33

March 21, 2016

No. 10

CONTENTS

HOUSE WEEK IN REVIEW	02
HOUSE COMMITTEE ACTION	07
BILLS INTRODUCED IN THE HOUSE THIS WEEK	07

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

HOUSE WEEK IN REVIEW

The House of Representatives amended, approved, and sent the Senate **H.4554**, the “**SOUTH CAROLINA ANTI-MONEY LAUNDERING ACT**” which establishes new provisions for the regulation and oversight of money transmission services. The legislation is offered as a means of rectifying South Carolina’s current status as the only U.S. state with no regulatory authority over money transfers of smaller amounts which has made the state a center for money laundering activities that facilitate organized criminal enterprises and terrorist activities. The legislation establishes new requirements for the licensure and regulation of money transmission and currency exchange services with the South Carolina Attorney General. Record keeping requirements are imposed on licensees and the Attorney General’s Office is afforded authority to review records and conduct investigations. Penalties are established for violations including felony criminal penalties for falsifying records and engaging in illicit money transfers involving larger dollar amounts. The jurisdiction of the state grand jury is expanded to include violations relating to the South Carolina Anti-Money Laundering Act.

The House amended, approved, and sent the Senate **H.4521**, the “**TUCKER HIPPS TRANSPARENCY ACT**”, legislation named in memory of the Clemson University student who died during a fraternity activity on September 22, 2014. The legislation requires the state’s public institutions of higher education to maintain a report detailing student misconduct investigations related to fraternity and sorority organizations formally affiliated with the institution. These reports are specifically required to include a violation of a Student Code of Conduct for offenses involving alcohol, drugs, sexual assault, harm to others, threats, endangerment, and hazing. The report must be readily available to the public upon request and posted on the institutions’ websites. Institutions must also furnish a printed notice of the nature and availability of this report and the website address where it can be found to attendees at student orientation. Each public institution of higher learning shall compile an initial report and make it available to the public and online before the beginning of the 2016-2017 academic year. This initial report must include the required information beginning with data after December 31, 2010. Institutions are subject to requirements for updating reports in a timely manner.

The House amended, approved, and sent the Senate **H.4688**, the “**TIMOTHY WAYNE GIBSON ACT**”, legislation named in memory of the South Carolina Department of Transportation highway maintenance worker who died in the line of duty while responding to the catastrophic floods of October 2015. The legislation provides that it is unlawful to remove or reposition a temporary road closure sign or device. The legislation specifies that it is not a violation for a property owner or someone else entitled to access the premises to move a temporary traffic-control device or temporary road closure sign and then immediately replace that sign or device in order to enter or exit the property.

The House concurred in Senate amendments to **H.3325**, the “**CLEMENTA C. PINCKNEY UNIFORM PARTITION OF HEIRS’ PROPERTY ACT**”, and enrolled the bill for ratification. Addressing an abiding concern of the late South Carolina Senator, the legislation is named in memory of Pinckney, who, while serving in his capacity as Senior Pastor of Charleston’s historic Mother Emanuel African Methodist Episcopal Church, was shot to death along with eight members of his congregation as they gathered for an

Legislative Update, March 21, 2016

evening Bible study on June 17, 2015. The legislation establishes a protocol for partitioning real estate when a court determines that the land meets the criteria established for heirs' property as a means of preserving property rights in situations where land has been passed down through generations without written wills or properly probated wills so that the property is owned in common by multiple heirs. This statutory protocol includes requirements for notifying those who own a percentage of the land as one of many heirs as well as provisions for conducting sales or making such other arrangements as dividing up the heirs' property among the cotenants by forming physically distinct and separately titled parcels.

The House adopted the conference committee report on **H.3545**, a bill making revisions to **ARSON OFFENSES**, and enrolled the legislation for ratification. The legislation revises various statutes that provide for the degrees of arson, making corrections to these and other provisions that were put in place through the adoption of the 2010 Omnibus Crime Act.

The House amended, approved, and sent the Senate **H.3848**, the "**SOUTH CAROLINA FOUNDING PRINCIPLES ACT**". The legislation requires the State Board of Education and Education Oversight Committee to incorporate instruction on the founding principles that shaped the United States into the required study of the United States Constitution and the South Carolina Social Studies Standards upon the next cyclical review. This required instruction must at least include the Federalist Papers, the structure of government and the role of the separation of powers and the freedoms guaranteed by the Bill of Rights to the United States Constitution. A biennial report on implementation must be submitted to the Senate Education Committee and the House Education and Public Works Committee. The State Department of Education must make professional development opportunities on this required instruction available to teachers by physical or electronic means.

The House approved and sent the Senate **H.4150**, a bill designating the seventeenth day of September of each year as "**UNITED STATES CONSTITUTION DAY**" in recognition of the signing of the United States Constitution which took place on September 17, 1787.

The House amended, approved, and sent the Senate **H.4718**, a bill creating a **SOUTH CAROLINA RETIRED EDUCATOR CERTIFICATE** that may be held by a retiree who previously held a South Carolina renewable, professional educator certificate. An initial retired educator certificate is valid for thirty years. A certificate may be renewed and is valid for ten years. Renewal of a retired educator certificate does not require completion of professional learning or renewal credit. An educator who works under the retired certificate must work under a letter of agreement. Holders of such certificates are not exempt from professional development that is required by the local school district.

The House amended Senate amendments to **H.3265** and returned the bill to the Senate. The legislation includes within Comprehensive Health Education Programs new **REQUIREMENTS FOR PUBLIC HIGH SCHOOL STUDENTS TO RECEIVE CARDIOPULMONARY RESUSCITATION (CPR) TRAINING**. At least one time during the entire four years of grades nine through twelve, each student must, under the new requirements, receive instruction in cardiopulmonary resuscitation (CPR) that includes training in such matters as hands-only CPR and awareness in the use of an automated external defibrillator (AED).

The House amended, approved, and sent the Senate **H.4562**, a bill designating the month of April of every year as “**MOVE OVER AWARENESS MONTH**” in South Carolina when the Department of Transportation and the Department of Public Safety shall conduct programs that emphasize the importance of motor vehicle drivers moving over into an adjacent lane whenever possible when approaching or passing through a highway work zone, an emergency scene, or any other traffic incident. The Department of Motor Vehicles is directed to print in future Driver’s Manuals, and include as soon as practical in online editions, information referencing the state’s “Move Over Law” requirements regarding motorists on an interstate highway approaching an emergency scene. The legislation also provides that a state governmental entity that maintains a wrecker or tow truck rotation must allow a driver of those service vehicles to take traffic incident management training free of charge.

The House amended, approved, and sent the Senate **H.3706**, the “**EMERGENCY ANAPHYLAXIS TREATMENT ACT**” which allows authorized institutions, organizations, and businesses, such as colleges and universities, daycare facilities, places of worship, restaurants, places of employment, recreation camps, youth sports leagues, amusement parks, and sports arenas, to keep supplies of epinephrine auto-injectors, also known as EpiPens, in stock to administer this potentially life-saving medication to those who are experiencing severe allergic reactions. The legislation establishes a protocol that allows physicians and certain other healthcare professionals to prescribe stock supplies of epinephrine auto-injectors for these authorized places that may be administered by designated individuals who have completed required training on the proper use of these epinephrine auto-injectors and how to recognize the symptoms of severe allergic reactions, including anaphylaxis. The legislation affords certain immunity from legal liability regarding the use of epinephrine auto-injectors in good faith.

The House amended, approved, and sent the Senate **H.3999**, a bill **REVISING PROVISIONS FOR THOSE WHO MAY MAKE HEALTH CARE DECISIONS FOR PATIENTS WHO ARE UNABLE TO PROVIDE CONSENT**. The legislation revises the prioritized list of those who are authorized to make health care decisions for patients who are unable to provide consent to include as a lowest, tenth, priority a close friend of the patient who is an adult and reasonably is believed by the health care professional to have a close personal relationship with the patient. The legislation also revises the list to give higher priority to adult children over parents, give higher priority to adult siblings over grandparents and adult grandchildren, and specify that a majority of relatives makes the decision when there are multiple relatives of equal priority. Documentation of efforts to locate a decision maker on the prioritized list must be recorded in the patient’s medical record.

The House approved and sent the Senate **H.4877**, a bill providing for **TWO ADDITIONAL AT-LARGE FAMILY COURT JUDGES** who must be elected without regard to their county or circuit of residence.

The House approved and sent the Senate **H.4339**, a bill **ENHANCING PROVISIONS TO COMBAT INSURANCE FRAUD**. The jurisdiction of the state grand jury is expanded to include largescale insurance fraud crimes including violations of the South Carolina Omnibus Insurance Fraud and Reporting Immunity Act. The legislation includes provisions that allow those who operate motor vehicles in the commission of insurance

fraud to have their driving privileges suspended for one year. Motor vehicles, equipment, and other property used to commit insurance fraud is subject to forfeiture.

The House amended, approved, and sent the Senate **H.3130**, a bill authorizing **HOME DETENTION FOR CERTAIN NONVIOLENT DRUG OFFENSES** so long as individuals are monitored by a GPS tracking device and bear the cost of the monitoring program. This home detention option does not apply to trafficking methamphetamine or to a drug trafficking offense that carries a maximum sentence of up to ten years.

The House amended, approved, and sent the Senate **H.4878**, a bill establishing **CONFIDENTIALITY PROVISIONS FOR COMMUNICATIONS WITH LAW ENFORCEMENT PEER-SUPPORT TEAMS**, made up of such personnel as chaplains, mental health professionals, and public safety peers, which provide emotional and moral support to public safety employees and their immediate family members following critical incidents.

The House approved **S.850** and enrolled the bill for ratification. The legislation establishes **REQUIREMENTS FOR PRINCIPLE-BASED RESERVES FOR LIFE INSURANCE POLICIES** to bring South Carolina's insurance laws into greater conformity with recommendations of the National Association of Insurance Commissioners.

The House concurred in Senate amendments to **H.3576**, relating to the **STATUS OF A NONPROFIT YOUTH SPORTS ORGANIZATION COACH**, and enrolled the bill for ratification. The legislation establishes conditions under which a written agreement between a nonprofit youth sports organization and a coach constitutes conclusive evidence that an independent contractor relationship, rather than an employment relationship, exists between the nonprofit youth sports organization and the coach for purposes of workers' compensation, unemployment insurance coverage, and federal and state income tax withholdings requirements.

The House amended, approved, and sent the Senate **H.4138**, a bill relating to the **DISPLAY OF HEATING AND AIR CONDITIONING MECHANICAL CONTRACTOR CREDENTIALS**. The legislation establishes requirements for those holding licenses in the mechanical contractor subclassification of air conditioning, heating, or packaged equipment to display their mechanical contractor licenses in a conspicuous manner at their principal places of business and to display their mechanical contractor license numbers on their commercial vehicles and on their invoice and proposal forms.

The House amended, approved, and sent the Senate **H.4931**, a bill making revisions to the **REGULATION OF PROFESSIONAL BONDSMEN, SURETY BONDSMEN, AND RUNNERS**. The legislation revises provisions relating to education and continuing education requirements for professional bondsmen, surety bondsmen, and runners, so as to increase the number of hours of education required for licensure and for continuing education. The legislation revises provisions relating to visiting and examining professional bondsmen by the Department of Insurance, so as to subject sureties to these visits and examinations. The legislation requires newly-licensed bondsmen to maintain a properly zoned office in this state that is accessible to the general public and department during normal business hours, and requires the bondsman to provide certain contact information. Currently licensed bondsmen are grandfathered in so that they are not subject to these office requirements.

The House amended, approved, and sent the Senate **H.4817**, a bill **MAKING REVISIONS RELATING TO OVERSIGHT BY THE DEPARTMENT OF INSURANCE**. Requirements are included to subject someone applying for or renewing a resident insurance producer license to criminal background screenings. The legislation requires an individual who applies for a bondsman or runner license to provide his business, email, mailing, and residential street address to the department. The legislation requires an applicant to provide an email address to the department when applying for insurance producer's licenses, insurance adjuster's licenses, public insurance adjuster's licenses, or motor vehicle physical damage appraiser's licenses. The legislation eliminates affidavit requirements within the requirements for a nonresident to be licensed as an insurance broker. The legislation revises provisions relating to warning stamps on policies of eligible surplus lines insurance, so as to no longer require a broker to write or stamp a warning on the face of an application for eligible surplus lines insurance.

The House amended, approved, and sent the Senate **H.4874**, a bill that provides for various **STATUTORY UPDATES AND REVISIONS RECOMMENDED BY THE HOUSE LEGISLATIVE OVERSIGHT COMMITTEE** as a result of its study of the Comptroller General's Office. The legislation includes a transfer of certain statutory accounting responsibilities from the Comptroller General's Office to the Department of Motor Vehicles.

The House amended, approved, and sent the Senate **H.4875**, a bill that provides for various **STATUTORY UPDATES AND REVISIONS RECOMMENDED BY THE HOUSE LEGISLATIVE OVERSIGHT COMMITTEE** as a result of its study of the Comptroller General's Office.

The House refused to grant free conference powers on **H.3114**, the "**SOUTH CAROLINA PAIN-CAPABLE UNBORN CHILD PROTECTION ACT**" which establishes a prohibition on the performance of abortions beginning at twenty weeks following fertilization.

HOUSE COMMITTEE ACTION

EDUCATION AND PUBLIC WORKS

The Committee on Education and Public Works met and passed two bills.

The Committee passed **H. 5024, LITERACY TEACHERS AND COACHES**, as amended. The bill requires that before the 2016-2017 school year, the state Department of Education shall provide all kindergarten through grade three literacy coaches and literacy teachers with training on dyslexia, including evidence-based dyslexia screening, instructional methods, and interventions. The bill also requires a report from the Department to the House and Senate Education Committees on the training to include the number and percentage of coaches and teachers who successfully completed the training.

The Committee amended and passed **H. 4932, VEHICLE AND TRAILER SPECIFICATIONS**. This bill relates to maximum lengths and weights of vehicles that

may be operated along the state's highways. It specifically adds language related to trailers and semitrailers in connection with motorsports competition events. Also, axle and weight limits are stated for motorhomes and intrastate public agency transit passenger buses. Also, it delineates increased weights associated with idle reduction systems.

BILLS INTRODUCED IN THE HOUSE THIS WEEK

EDUCATION AND PUBLIC WORKS

H.5108 LOCAL GOVERNMENT FLEETS Rep. Allison

A concurrent resolution to establish a study committee to assess the role of local government fleets in hiring entry-level commercial driver's licensed drivers.

H.5116 ROAD REFLECTORS Rep. Clyburn

This bill provides that the Department of Transportation shall place and maintain road reflectors along the state's rural paved highways that indicate pavement markings that separate opposite moving traffic.

H.5118 GOLF CARTS Rep. Herbkersman

This bill provides that certain municipalities and counties may adopt ordinances that allow golf carts to be operated at night.

JUDICIARY

H.5098 PRISONERS' BILL OF RIGHTS Rep. Henegan

Protects and preserves prisoners' rights to justice and due process regardless of their race, sex, age, religion, or economic status. Seeks to protect prisoners from inhumane treatment, sexual harassment, or sex crimes. Allows inmates to complain or voice their concerns about prison conditions. Places protections under the Americans with Disabilities Act and requires access to proper medical treatment. Mandates water and proper nourishment be given to all inmates.

H.5114 ILLEGAL DRUG TRAFFICKING Rep. Govan

Conforms the language of illegal drug trafficking provisions to expand current laws applicable to opium, morphine, heroin and their derivatives to all Schedule I [b] and [c], as well as all Schedule II, illegal drugs.

H.5115 PROPERTY ASSESSMENTS FOR MEMBERS OF THE ARMED FORCES Rep. Horne

Revises the four percent assessment ratio application deadline for certain property owned by members of the Armed Forces, who are deployed to an area that would entitle them to receive the Federal Combat Zone Tax Exclusion. They would be able to claim a four percent assessment ratio for up to two properties, so long as they are actively attempting to sell one of them.

H.5120 SENTENCE REDUCTIONS FOR ‘NO-PAROLE’ INMATES

Rep. Alexander

Allows inmates, sentenced for “no parole offenses,” to serve at least 65% of their sentences [reduced from 85% of their sentence under existing law] before seeking early release, discharge, or resentencing to community supervision. Applicants also must have completed any rehabilitation or educational programs prior to making applications. Inmates displaying exemplary conduct may also apply after serving the necessary portion of their original sentences.

H.5121 IMMUNITY FROM PROSECUTION FOR SEEKING DRUG OR ALCOHOL OVERDOSE TREATMENTS

Rep. J. E. Smith

Adds SC Code Section 44-53-595 to grant immunity from prosecution to people who seek treatment for drug overdoses. Also allows appropriately trained First Responders to administer an opioid antagonist in certain circumstances. Protects First Responders who provide a dose of these agents. Also allows medical practitioners to prescribe an opioid antagonist in certain circumstances. Would extend this authority to pharmacists so that they could prescribe opioid antagonists, and also would allow people other than medical practitioners or first responders, who act in good faith, to administer prescribed opioid antagonists in certain circumstances. Grants immunity from professional sanctions, civil liability and criminal liability to these individuals under listed circumstances. Also adds Code Section 63-19-2470 to provide immunity from certain criminal charges covering the unlawful purchase, consumption, or possession of alcohol by minors [defined as persons under the age of twenty-one years old] when they seek medical assistance for alcohol-related overdoses.

LABOR, COMMERCE AND INDUSTRY

S.280 NET WORTH REQUIREMENTS FOR GENERAL CONTRACTORS AND MECHANICAL CONTRACTORS

Sen. Peeler

This bill revises provisions relating to financial statements and net worth requirements for general contractors and mechanical contractors, so as to adjust the net worth requirements for licensure and license renewal.

S.1013 LICENSURE AND REGULATION OF REAL ESTATE BROKERS, SALESPERSONS, AND PROPERTY MANAGERS

Sen. Alexander

This bill makes revisions relating to the licensure and regulation of real estate brokers, salespersons, and property managers.

H.5109 “SOUTH CAROLINA BUSINESS LICENSE TAX STANDARDIZATION ACT”

Rep. Bingham

This bill enacts the “South Carolina Business License Tax Standardization Act” to provide the sole manner in which a municipal or county business license tax may be imposed, including duration, calculation, and payment, and to restrict collections in the 2018 license year. The legislation revises certain confidentiality provisions to authorize the sharing of business license information among local governments.

MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

H.5100 “ACCESS TO EMERGENCY MEDICAL CARE ACT” Rep. Fry

The bill revises the definition of “Emergency Medical Provider” to include oral surgeons and dentists licensed by the State Board of Dentistry. In addition, the bill adds that the provisions of the “Access to Emergency Medical Care Act” do not apply to a policy which provides disability or income protection coverage, hospital confinement indemnity coverage, accident-only coverage, specified disease or specified accident coverage, long-term care coverage, vision-only coverage, or coverage issued as a supplement to Medicare.

H.5110 STATE GOVERNMENT BUILDINGS REQUIRED TO SUPPLY FEMININE

***HYGIENE PRODUCTS IN PUBLIC RESTROOMS* Rep. McKnight**

This bill provides that every public building owned by the state, or any agency, office, department, division, commission, or institution thereof, must supply feminine hygiene products in each female public restroom, free of charge.

WAYS AND MEANS

H.5117 REGISTRATION AND OPERATION OF GOLF CARTS

Rep. Herbkersman

This bill revises provisions relating to the issuance of golf cart decals, the registration of golf carts, and the operation of golf carts along the state’s highways, so as to provide that the golf cart permit decal and registration fee must be distributed to the Department of Parks, Recreation and Tourism and used to establish education and awareness programs regarding the use of golf carts in golf cart vacation communities. The legislation provides that certain municipalities and counties may adopt ordinances that allow golf carts to be operated at night.

H.5119 STATE GUARD Rep. Goldfinch

This bill clarifies the circumstances authorizing the Governor to call the State Guard into duty and to provide that circumstances involving a natural or manmade disaster, emergency, or emergency preparedness may warrant calling the State Guard into service. The legislation provides that State Guard members may receive a daily stipend or per diem pay for reasonable expenses, or both, if approved by the Adjutant General. The legislation requires a member of the State Guard to complete a minimum of one hundred ninety-two hours of training or drill each year in order to qualify for the individual income tax deduction for guard members. The legislation revises provisions relating to legal assistance services for guard members and immediate family members, so as to authorize South Carolina State Guard Judge Advocates to provide these services and to include them within the personal liability exemption.

Legislative Update, March 21, 2016

The *Legislative Update* is on the Worldwide Web. Visit the South Carolina General Assembly Home Page (<http://www.scstatehouse.gov>) and click on "*Publications*," then click on "*Legislative Updates*." This will list all of the *Legislative Updates* by date. Click on the date you need. Also available on the website is a bill summary index, where bills referenced in one or more issues of the *Legislative Update* are listed in numeric order. Links to the specific text of the *Legislative Update* issue are provided in the bill summary index.

NOTE: THE LEGISLATIVE UPDATE IS AVAILABLE TO LEGISLATIVE TRACKING SUBSCRIBERS. YOU MAY REGISTER FOR THIS FREE SERVICE ON THE SOUTH CAROLINA GENERAL ASSEMBLY HOME PAGE BY CLICKING ON "TRACK LEGISLATION" (ON THE VERTICAL MENU BAR).