



South Carolina House of Representatives

Legislative Update

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

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

HOUSE WEEK IN REVIEW

The House of Representatives amended, approved, and sent the Senate **H. 3191**, legislation to provide **ENHANCEMENTS TO THE FREEDOM OF INFORMATION ACT** provisions which guarantee citizens' access to government proceedings and public documents. The legislation adjusts time frames for responding to FOIA requests to require more prompt compliance from public bodies, but additional time is allowed for compiling older documents. The fees that government bodies may charge for complying with FOIA requests are revised to better ensure that they do not become prohibitive. Under the revisions, fees may not exceed the actual cost of the search, retrieval, and redaction of records and fee calculations must utilize the hourly salary of the lowest paid employee qualified to perform the request. Public bodies must develop fee schedules to be posted online. Copying fees may not exceed prevailing commercial rates and public bodies may require a deposit, not to exceed twenty-five percent of the total cost for reproduction of the records, before beginning work on the request. The legislation accommodates the electronic transmission of requested records. Enforcement provisions for the Freedom of Information Act are revised in an effort to make them more effective. The rarely-utilized misdemeanor penalty for FOIA violations is eliminated and unfulfilled FOIA requests may instead be pursued through civil actions. The Office of Freedom of Information Act Review is created within the Administrative Law Court under the supervision of the Chief Administrative Law Judge to decide disputes regarding FOIA requests. The review office is offered as a new resource that citizens may use to obtain the access to public documents promised by the Freedom of Information Act without bearing the legal costs involved in compelling a government body to fulfill its FOIA responsibilities through a court challenge.

The House amended, approved, and sent the Senate **H. 3192**, a bill **ENHANCING PUBLIC NOTICE REQUIREMENTS FOR GOVERNMENT MEETINGS** under the state's Freedom of Information Act. The legislation clarifies that an agenda is required for all meetings of a public body and provides that this agenda must be publicly accessible and posted online if the public body maintains a website. The legislation provides that, once a meeting agenda has been posted, no items may be added without affording the public an additional twenty-four hours' notice. After the meeting begins, an action item may only be added to the agenda if two-thirds of the members present and voting agree that emergency circumstances exist that require the new item to be added to the agenda. The twenty-four hour notice requirement for adding items to an agenda is also imposed upon legislative committee meetings.

The House amended, approved, and sent the Senate **H.3186**, a bill providing for **MORE EXPANSIVE STATEMENTS OF ECONOMIC INTERESTS** for public officials and others who are required to make these filings under the Ethics, Government Accountability, and Campaign Reform Act. Disclosure requirements are revised so that they address not only public money, but also require a listing of the private source and type of any income received in the previous year by the filer or a member of his immediate family. Exceptions are included to apply to such sources of income as pensions, mutual funds, and interest from bank accounts. Under the legislation, a statement of economic interests must also include the source, type, and amount of any income received in the previous year by the filer or a member of his immediate family from a direct contractual or employment relationship with a lobbyist principal. This includes consulting, acting as

an independent contractor, salary, or any other arrangement from which payment in return for services or goods is made by a lobbyist principal to a filer or a member of his immediate family.

The House amended, approved, and sent the Senate **H.3044**, a bill establishing **SCHOOL CALENDAR FLEXIBILITY** provisions by revising various statutory requirements that set the length of the school year in terms of a minimum number of days so that these requirements may also be satisfied with an equivalent number of hours. Under the revisions, a local school district is afforded greater authority in deciding how best to structure the instructional day and how many days of instruction comprise the school year. The number of instructional hours in an instructional day may vary according to local board policy and does not have to be uniform among schools in the district. Limitations are imposed that relate to school year start dates and set times for the administration of the statewide testing program.

The House amended and gave second reading approval to **H.3432**, a bill to provide that **MARTIN LUTHER KING, JR. DAY AND MEMORIAL DAY MUST BE RECOGNIZED AS HOLIDAYS FOR ALL LOCAL SCHOOL DISTRICTS** of the state and that the schools and offices of the districts must be closed on those dates. This new requirement begin with the 2016-2017 school year and districts may not schedule make-up days on either holiday.

The House amended, approved and sent the Senate **H.3265**, a bill that 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 approved and sent the Senate **H.3037**, a bill revising eligibility criteria for **IN-STATE HIGHER EDUCATION TUITION RATES FOR VETERANS AND THEIR DEPENDENTS**. The legislation provides that an honorably-discharged veteran of the Armed Services of the United States, who has evidenced intent to establish domicile in South Carolina and their dependents, are entitled to receive in-state tuition and fees at state institutions without the requirement of a one year of physical presence in this state.

The House approved and sent the Senate **H.3213**, a bill establishing a **DRIVER SAFETY** protocol. The legislation provides that a law enforcement officer who suspects that a motor vehicle accident was the result of a driver's loss of consciousness due to a medical condition must notify the Department of Motor Vehicles of this determination.

The House amended and approved **S.8**, a bill **RATIFYING THE STATE CONSTITUTIONAL AMENDMENT PROVIDING FOR THE ADJUTANT GENERAL TO BE APPOINTED BY THE GOVERNOR** which the state's voters approved at the last general election.

The House approved **S.225** and enrolled the legislation for ratification. This joint resolution suspends Proviso 105.15 of Part 1B of the 2014-2015 Appropriations Act, relating to **REIMBURSEMENT RATES PAID TO PHARMACIES PARTICIPATING IN THE STATE HEALTH PLAN** by Catamaran, the contracted pharmacy benefit manager

for the plan. This suspension allows for the use of the State Health Plan pharmacy reimbursement rates negotiated by the Public Employee Benefit Authority.

HOUSE COMMITTEE ACTION

AGRICULTURE, NATURAL RESOURCES AND ENVIRONMENTAL AFFAIRS COMMITTEE

The Agriculture, Natural Resources and Environmental Affairs Committee met on Tuesday, February 17, reporting out two bills.

H.3575, legislation revising the definition of “solid waste” to exclude **STEEL SLAG**, was given a favorable recommendation by the committee. Steel slag is a product of the electric arc furnace steelmaking process. The legislation excludes it because it is no longer considered a byproduct.

The committee gave a favorable recommendation to **H.3646**, a bill that deals with **PASSIVE SOIL-BASED ON-SITE DISPOSAL SYSTEMS**. Current law allows soil dispersal systems to be sized two-thirds of that required for a conventional gravel trench. The sizing difference results from greater unobstructed trench bottom surface and absence of fine stone dust translating to superior hydraulic capacity. Current law also requires manufacturers to maintain financial assurances and installer certification programs and limits installation to single-family dwellings.

As a result of these systems being used successfully for the past ten years, the legislation increases trench sizing from two-thirds to three-quarters of that required for a conventional gravel trench and repeals burdensome requirements such as financial assurances, installer certification, and single-family dwelling limitations.

LABOR, COMMERCE AND INDUSTRY

The House Labor, Commerce and Industry Committee met on February 19, and gave a favorable report on **S.342**, a bill equipping the Department of Insurance with **AUTHORITY TO INVESTIGATE INSURANCE HOLDING COMPANIES**. The changes are necessary for South Carolina’s Department of Insurance to maintain its accreditation with the National Association of Insurance Commissioners.

WAYS AND MEANS

The Ways and Means Committee reported out the proposed **FISCAL YEAR 2015-2016 STATE GOVERNMENT BUDGET** which includes \$6.9 billion in recurring general fund

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revenue, \$127.8 million in Capital Reserve Funds, \$19.3 million in certified surplus revenue, \$323 million in Education Lottery Funds, and authorization to issue state capital improvement bonds to provide a total of \$497 million for capital projects.

\$50 million in motor vehicle sales tax revenues is transferred from the general fund to the South Carolina Transportation Infrastructure Bank to be utilized to leverage approximately \$500 million in bonds to finance bridge replacement, resurfacing and rehabilitation projects, and expansion and improvements to existing mainline interstates.

For K-12 public education, \$94 million is used for a \$100 per pupil increase for the base student cost to arrive at an estimated \$2,220.

\$5 million is provided for an expansion of reading coach initiatives. \$1.5 million is included for summer reading camp expansion.

\$1.4 million is included for First Steps to School Readiness early childhood education local partnerships.

\$29.3 million in Education Lottery funds is devoted to K-12 technology initiatives. \$4 million is included for professional development.

\$20 million in Capital Reserve Funds is provided for instructional materials, along with \$6 million in excess unclaimed lottery prize money.

\$2.9 million is provided virtual education operations.

\$11.9 million is provided for South Carolina' Public Charter School District.

\$1 million is appropriated for arts education grants and programs.

\$30 million is provided from the Capital Reserve Fund for purchasing or leasing new school buses. School buses are also afforded \$6 million in excess unclaimed lottery prize money and \$4 million in excess lottery proceeds. \$9 million is devoted bus shops.

Full funding is provided for the LIFE, HOPE, and Palmetto Fellows higher education scholarship programs.

The budget legislation includes a provision that transfers oversight and control of South Carolina State University to the State Fiscal Accountability Authority to address the school's issues relating to finances and academic accreditation and ensure the continuing viability of the institution. The legislation removes the members of S.C. State's Board of Trustees and designates the State Fiscal Accountability Authority, which is composed of the Governor, Treasurer, Comptroller General, Chairman of the Senate Finance Committee, and Chairman of the House Ways and Means Committee, to serve as the interim board until a new S.C. State University Board of Trustees is elected by the General Assembly. The Interim Board is authorized to remove the university's current president and employ an interim president on an at-will basis.

\$1 million is devoted to worker training through the Ready SC Program at the state's technical colleges. \$2 million is provided for manufacturing, healthcare, and Science, technology, Engineering, and Math (STEM) training and \$2 million is provided from the

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Capital Reserve Fund for training. \$1.5 million is appropriated from the Capital Reserve Fund for Quickjobs Midlands Technical College Center for Rapid Employment. \$1.4 million is provided from the Capital Reserve Fund for advanced manufacturing and industrial equipment at Aiken Technical College. \$5 million from the Capital Reserve Fund is provided for the Aeronautical Training Center at Trident Technical College.

\$17.6 million from the Capital Reserve Fund is provided for the Deal Closing Fund that the Department of Commerce uses to recruit new business to the state. The Department of Commerce is afforded appropriations of \$1 million from the Capital Reserve Fund for the Locate SC Site Inventory, \$1.25 million for the Office of Innovation, \$200,000 for the SC Council on Economic Competitiveness, \$500,000 for Regional Education Centers, \$250,000 for the Microenterprise Partnership Program, and \$750,000 for the Military Base Task Force.

At the Department of Social Services, \$2 million is devoted to child and adult protective services recruitment and \$3.7 million is provided for child and adult protective services pay increases. The budget provides for 120 additional case works to reduce sizeable caseloads. The 10% case worker salary increase provided in the budget combined with last year's 10% increase, allows for a 20% salary increase as a means of stemming the high turnover rate at the agency.

\$34.9 million is included to cover the increased costs of operating the state's health insurance plan with no increases in the premiums paid by employees, no reductions in coverage.

\$68 million in Tobacco Master Settlement Agreement funding is devoted to maintenance of effort in the Medicaid program. \$11 million in recurring funds is included to address projected increases in enrollment.

The budget legislation does not include an expansion in eligibility for the state's Medicaid Program as allowed by the federal "Patient Protection and Affordable Care Act" of 2010. Funding is continued for such accountability and quality improvement programs as: the Healthy Outcomes Initiative for meeting the needs of chronically ill uninsured patients through home visits and care in other settings outside the emergency room; 100% cost reimbursement for rural hospitals; a Primary Care Safety Net utilizing such resources as Federally Qualified Health Centers and free clinics; and efforts to enhance provider capacity in rural and underserved areas.

The Department of Health and Human Services is directed to conduct a pilot program on all-inclusive health intervention for wrap-around care to vulnerable mental health patients who frequent the emergency room in hotspots and underserved areas within the state.

\$2.7 million is included to revamp the state's Medicaid eligibility system.

\$2 million in recurring funds is provided for the state's telemedicine network.

\$3.8 million is devoted to an enhanced fee schedule for primary care physicians.

\$4.9 million is appropriated for expanded coverage for Autism Spectrum Disorder. \$7.9 million is devoted to children's mental health.

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The Department of Health and Environmental Control receives \$500,000 for Criminal Domestic Violence, \$250,000 for the Best Chance/Colon Cancer Prevention Networks, \$100,000 for the National Kidney Foundation, \$100,000 for the J. R. Clark Sickle Cell Foundation, \$100,000 for the Bleeding Disorders Premium Assistance Program, and \$100,000 for Donate Life's Organ Donor Registry. \$3.98 million is allocated to DHEC for monitoring at the Pinewood Hazardous Waste Disposal Site, \$4 million from the Capital Reserve Fund is directed to its water quality initiative, and \$50,000 is provided for water quality testing.

\$6.4 million recurring fund increase is directed to the Department of Mental Health to address budget cuts sustained by the agency during the revenue shortfall of recent years. DMH receives \$3.2 million for forensic inpatient services, \$500,000 for school based services, \$500,000 for the telepsychiatry program, and \$400,000 for community supportive housing. \$2.7 million from the Capital Reserve Fund is included to continue the process of converting health records to an electronic format that is necessary for meeting federal hospital certification requirements.

The Department of Disabilities and Special Needs receives \$6.4 million to reduce its waiting lists, \$2 million towards provider maintenance of effort, \$1 million for respite care services, and \$500,000 for nursing care quality. \$1.5 million in nonrecurring funds is included for autism services.

The budget provides \$645,500 for two new family court judges and staff to accommodate domestic violence and child protective services issues.

The Prosecution Coordination Commission receives \$1.6 million for circuit solicitor caseload equalization and \$400,000 for the SC Center for Fathers and Families.

\$1 million is provided for defense of indigents per capita.

The State Law Enforcement Division is provided \$520,940 for insurance fraud investigators.

The Attorney General's Office receives \$269,915 for sex/violent crime prosecutors and \$75,325 for a financial data analyst/forensic accountant.

The Department of Public Safety is provided \$4 million for law enforcement vehicles, \$100,000 for tasers, and \$800,000 for body armor replacement.

The Department of Corrections receives \$4.5 million for its mental health remediation plan, \$927,806 for medical staff, \$449,000 for youthful offender/addictions treatment, and \$909,190 for the education improvement plan/vocational equipment.

\$2.6 million is provided to the Department of Probation, Parole, and Pardon Services for 44 new parole agents.

\$299,737 is appropriated to the Department of Natural Resources for 5 new law enforcement officers.

The Department of Vocational Rehabilitation is afforded \$250,000 for School to Work Transition Services and \$290,000 for job-driven vocational training.

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The Department of Agriculture is afforded \$500,000 for agribusiness development and \$1 million from the Capital Reserve Fund to expand “Certified SC” marketing.

\$3.8 million is provided for the Water Quality Revolving Loan Fund at the Rural Infrastructure Authority.

The Forestry Commission receives \$500,000 for 8 additional full-time firefighters

\$4.5 million is included to implement the final phase of statewide information technology security recommendations.

The Department of Revenue is afforded \$8 million from the Capital Reserve Fund for implementing an updated tax processing system.

The Department of Parks, Recreation and Tourism receives \$1 million for the Undiscovered SC program to showcase the state's rural areas, \$2 million for destination-specific advertising, \$1.275 for the Sports Development Marketing Program, and \$500,000 for the Parks and Recreation Development Fund.

\$1 million is provided from the Capital Reserve Fund for Jasper Ocean Terminal Permitting.

The Lieutenant Governor's Office receives \$529,827 for the vulnerable adult guardian ad litem program and \$750,000 for caregiver services.

The budget legislation includes authorization for issuing state **CAPITAL IMPROVEMENT BONDS** to provide a total of \$497 million for capital projects, including:

\$50 million set aside for anticipated K-12 infrastructure needs for addressing the South Carolina Supreme Court's ruling regarding the level of support for local schools needed to meet the state's constitutional obligation for providing free public education.

\$60 million to the Department of Commerce for infrastructure improvements needed to encourage economic development.

\$50 million to the State Board for Technical and Comprehensive Education for Pathways to Workplace Infrastructure Development.

Numerous projects at the state's technical colleges, including \$35 million for an Aeronautical Training Center at Trident Technical College.

Various construction and renovation projects on the campuses of the state's institutions of higher learning.

\$50 million towards a new children's hospital at the Medical University of South Carolina.

\$20 million to the Department of Health and Human Services for statewide telemedicine infrastructure.

\$12 million for a new laboratory facility and \$10 million for an advanced law enforcement training center for the State Law Enforcement Division.

\$5 million for Department of Corrections' deferred maintenance.

\$10 million for renovations at the state's welcome centers, \$2 million for an African-American History Museum, and \$15 million for improvements and deferred maintenance at state parks.

The committee gave a report of favorable with amendment to **H.3374**, a bill that replaces the current Local Government Fund and its set funding level of 4.5% of the previous year's state general fund revenues with a new **LOCAL GOVERNMENT REVENUE SHARING FUND** that is structured to deliver a revenue stream to counties and municipalities that fluctuates according to whether the state is experiencing revenue growth or shortfall. The legislation discontinues the retrospective approach for funding political subdivisions that is tied to the previous year's revenues and, beginning with Fiscal Year 2017-2018, implements prospective budgeting that draws upon state revenue forecasts. The legislation establishes a \$212 million recurring base for the Local Government Revenue Sharing Fund and provides for the fund to receive a 2% increase in a year when state general fund revenue is projected to increase by at least 4%, receive no increase when growth estimates are less than 4%, and share in necessary budget cuts when the state experiences revenue shortfalls. The requirements of the Local Government Revenue Sharing Fund must be satisfied before funds are made available for appropriation to other government functions in the budgeting process.

BILLS INTRODUCED IN THE HOUSE THIS WEEK

AGRICULTURE, NATURAL RESOURCES AND ENVIRONMENTAL AFFAIRS

H.3668 DEER HUNTING APPAREL Rep. Pitts

The bill states that all persons must wear a hat, coat, or vest of solid international orange while on Wildlife Management Area lands during hunting season.

EDUCATION AND PUBLIC WORKS

S. 21 BIOPTIC TELESCOPIC LENSES Sen. Grooms

This bill allows certain persons who wear bioptic telescopic lenses for vision assistance to obtain a driver's license.

H. 3686 ENROLLMENT OF DISABLED CHILDREN Rep. Atwater

This bill provides that beginning with the 2016-2017 school year, a parent residing in this state may enroll his disabled child in any school district or private school in this state that he considers best capable of meeting the unique needs of his child's disability.

JUDICIARY

H. 3669 CASUAL SALE OF A HANDGUN Rep. Jefferson

This bill provides for the issuance of a license for a person engaged in the casual sale of a handgun. SLED may grant a license to any person engaged in the casual sale of a handgun who is eligible to purchase, acquire, or possess a handgun. The bill contains attendant requirements regarding bonds, fees, inspection requirements and penalties.

H. 3679 MOTIONS FOR IMMUNITY Rep. Rutherford

This bill provides that an order concerning a defendant's motion for immunity is immediately appealable. A defendant who does not immediately appeal an order denying a request for immunity nevertheless preserves the issue for appeal after conviction and sentencing.

H. 3682 "BAD FAITH ASSERTION OF PATENT INFRINGEMENT ACT"

Rep. Finlay

This bill enacts the "Bad Faith Assertion of Patent Infringement Act" and provides that bad faith assertions of patent infringements are prohibited and provides for a private cause of action in state courts by a recipient of a bad faith assertion to patent infringement.

H. 3684 DESTRUCTION OF ARREST RECORDS Rep. King

This bill provides for the destruction of arrest records of persons arrested as a result of mistaken identity not later than one hundred eighty days after an investigation by a law enforcement or prosecution agency reveals that the person was arrested as a result of mistaken identity.

H. 3685 SURCHARGE ON ELECTRONIC TICKETS OR CITATIONS

Rep. D. C. Moss

This bill provides that a five dollar surcharge is imposed upon all monetary penalties imposed by certain courts for offenses in which an electronic ticket or citation was issued.

H. 3692 INJURY OF HEALTH CARE PROFESSIONALS Rep. McCoy

This bill provides that a person that unlawfully injures a health care professional (including an emergency medical service provider, a firefighter, an emergency room physician, an emergency room nurse, or an allied health care worker) commits the offense of assault and battery of a high and aggravated nature.

LABOR, COMMERCE AND INDUSTRY

H.3693 APPROVAL PROCESS FOR A STATE PLAN TO REGULATE CARBON

DIOXIDE EMISSIONS Rep. Sandifer

This bill establishes a protocol that requires the South Carolina Department of Health and Environmental Control to receive approval from the State Regulation of Public Utilities Review Committee for any plan to regulate carbon dioxide emissions from existing fossil fuel-fired electric generating units under the federal Clean Air Act. DHEC shall not submit any state plan to the federal Environmental Protection Agency without obtaining the required approval from the review committee.

MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

**H.3683 *GENERAL POWERS AND DUTIES OF THE ADJUTANT GENERAL*
Rep. Williams**

The bill requires the Adjutant General to provide the annual report to the General Assembly.

WAYS AND MEANS

S.382 *SOUTH CAROLINA STATE UNIVERSITY EMPLOYEE FURLOUGH PROGRAM* Sen. Matthews

This joint resolution provides authority for the agency head of South Carolina State University to institute a mandatory employee furlough program in Fiscal Year 2014-2015 of not more than twenty working days.

H.3670 *WEST FLORENCE FIRE DISTRICT* Rep. Lowe

This bill makes revisions to the West Florence Fire District in Florence and Darlington Counties.

H.3671 *EDUCATION AND ROAD FUNDING FROM ELIMINATED SALES TAX EXEMPTIONS* Rep. Horne

This bill eliminates various sales tax exemptions and credits the sales tax revenue derived from the previously exempt items equally to the South Carolina Public Education Program Fund and the State Highway Fund.

**H.3672 *“SOUTH CAROLINA JOBS, EDUCATION, AND TAX ACT”*
Rep. Horne**

This bill enacts the “South Carolina Jobs, Education, and Tax Act” to provide comprehensive revisions for the manner in which public education is financed.

H.3678 *ELIMINATION OF THE INDIVIDUAL INCOME TAX* Rep. G. R. Smith

This bill replaces the income tax imposed on the taxable income of individuals, estates, trusts, and certain other entities in tax years beginning after 2014 by reducing the rate of taxation by 1.4 percent each year until the tax rate for all brackets is zero percent.

**H.3687 *JOINT DEVELOPMENT OF INDUSTRIAL OR BUSINESS PARKS*
Rep. Norrell**

This bill revises provisions governing the joint development of industrial parks, so as to modify the conditions and parties from whom consent must be obtained in certain circumstances. The legislation provides that if the creation or modification of the

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industrial or business park agreement will affect the revenue to a school district, then the counties must obtain the consent of the affected school district prior to the creation or modification of the multicounty industrial or business park, including a modification of an existing fee in lieu of tax agreement or other incentive agreement.

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