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Legislative update

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South Carolina House of Representatives

Legislative Update

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

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

HOUSE WEEK IN REVIEW

This week the General Assembly concluded work on the regular legislative session, but lawmakers are scheduled to return later in the month under the terms of **H.5282**, the **ADJOURNMENT RESOLUTION**, which allows the House of Representatives and Senate to convene, beginning on Tuesday, June 17, 2014, to take up a limited list of matters, including the Governor's vetoes and the reports of conference committees that have been formed to address the differences between the House and Senate on particular pieces of legislation.

The House and Senate adopted the conference committee report on **S.459**, which establishes a **PROHIBITION ON TEXTING WHILE DRIVING**, and enrolled the bill for ratification. 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 adopted the conference committee report on **H.3945**, legislation **ENHANCING ETHICS ACT REQUIREMENTS**, but the Senate did not adopt the report. The legislation expands financial disclosure requirements for public officials, candidates, and others who are required to file statements of economic interest, so that they address not only state and local government funds, but also include new requirements for

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identifying other sources of income, including private sources. The legislation prohibits the use of leadership political action committees which have not been subject to the limitations imposed on contributions made to individual candidates. Reporting requirements for campaign contributions and expenditures are revised to be more effective during the final days leading up to an election by requiring an additional report to be filed five days before an election. Reports must be made to the State Election Commission detailing electioneering communications which are mass communications, excluding such things as media coverage and candidate debates, that are made in the final days before elections and primaries in order to influence their outcome.

Supervisory bodies are afforded greater access to the financial records of candidates and committees in order to verify campaign disclosure forms. More stringent criteria are established for the use of campaign funds for travel expenses by setting payments or reimbursements for mileage at the federal rate established by the Internal Revenue Service and restricting lodging, food and beverage, or other travel expenses to campaign events or events that are part of an officeholder's official responsibilities. The legislation disallows cash payments from campaign accounts and prohibits equipment purchased with campaign funds, including computers and cell phones, from being converted to personal use. Payments to campaign or office staff must be made contemporaneously with the work provided. Campaigns are not allowed to employ an immediate family member of the candidate. The legislation creates a temporary South Carolina Ethics Violations Study Committee, composed of four circuit solicitors and four public defenders, to make recommendations to legislators, by February 1, 2015, on which violations of the ethics act should be designated as criminal violations and which should be treated as civil matters.

The House of Representatives and the Senate approved **H.4701**, the general appropriation bill and **H.4702**, the joint resolution making appropriations from the Capital Reserve Fund, which together comprise the **FISCAL YEAR 2014-2015 STATE GOVERNMENT BUDGET**. The \$7.2 billion budget includes \$6.7 billion in recurring state general fund revenue, \$115 million in Capital Reserve Funds, and \$345 million in Education Lottery Funds. This legislation was enrolled for ratification.

The budget includes a total of \$180 million in new funding for K-12 education. A total of \$137.5 million is directed to the Education Finance Act, \$54.3 million of which is new EFA money. \$35 million is used to maintain the current base student cost of \$2,097 and an additional \$19 million is used to increase the base student cost to an estimated \$2,120 per pupil. \$83.2 million of these EFA funds represent a swap from the Education Improvement Act that is directed towards high-achieving students and students at risk of academic failure. The budget includes a revised rationale for allocating funds to the public schools that includes new weightings in the EFA distribution formula that are specifically geared towards such populations as students with limited English proficiency and pupils in poverty and places new emphasis on funding for personalized instruction in such areas as precareer and career technology, young adults pursuing adult education programs, gifted and talented education, and academic assistance for those failing to meet state standards for mathematics and English language arts. \$5 million is included for hold-harmless transitional payments to ensure that no district receives less state funding under the new funding formula than it did under the current formula.

\$18.6 million in recurring funds is used to expand the state's four-year-old kindergarten program for students who are eligible for free or reduced lunch so that it includes all

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school districts with a poverty index of 70% or greater. The expansion includes seven additional districts to bring the total number of districts in the 4K program to 58.

\$29.5 million is included to provide for reading coaches in the state's elementary schools. \$4.5 million is devoted to expanding summer reading camps.

\$29.3 million is included for a K-12 technology initiative. \$12 million is provided for digital instructional materials and \$4 million is included to train teachers on how to use the new technology in the classroom.

In addition, \$8.56 million is devoted to instructional materials in the schools.

\$742,500 is provided for a virtual instruction program at the State Department of Education, including 11 full-time employee positions.

\$18 million is provided for purchasing or leasing new school buses. \$6.5 million in school transportation funds is included for bus maintenance and fuel.

Full funding is provided for the LIFE, HOPE, and Palmetto Fellows higher education scholarship programs. A provision is also included to allow students looking to graduate on an accelerated schedule to claim scholarship awards during the summer academic semester.

The budget includes increases in recurring funds to the state's colleges and universities that amount to \$5.4 million.

The budget provides \$2.6 million for a consultant to conduct a Higher Education Efficiency and Accountability Review on improvements in operations at the campus level and statewide.

\$2.5 million is included for STEM (science, technology, engineering, mathematics) Education to address workforce demands.

\$15.2 million is provided for Technical College initiatives including worker training through the Ready SC Program, Trident Technical College's Aerospace initiative, the transitioning military support and training program at the Technical College of the Low Country, automotive technology program equipment for Florence-Darlington Technical College, the Computer Numerical Control and Mechatronics Programs at Tri-County Tech, and the Quick Jobs Program at Midlands Tech.

\$37.4 million 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 \$6.5 million for the Locate SC Site Inventory, \$4 million for research initiatives, \$400,000 for the Existing Business Program, \$250,000 for the SC Manufacturers Extension Program, and \$350,000 for the Community Development Corporation Initiative.

Funding for rural infrastructure grants is increased with \$3 million in recurring funds.

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Increased funding is provided for two port development initiatives, with \$5 million provided for channel dredging at the Port of Georgetown and \$1.2 million for Jasper Port development to match appropriations from the state of Georgia.

A \$15 million increase in C-Funds is included for County Transportation Committees.

The budget provides for a 2% state employee pay increase, with an appropriation of \$30.6 million. \$57 million is included to cover the increased costs of operating the state's employee health insurance plan with no increases in the premiums paid by employees, no reductions in coverage, and relatively minor increases in coinsurance payments of no more than 9%.

\$447.3 million fully funds the reserve accounts that the state uses to cope with revenue shortfalls.

The Local Government Fund is maintained at its current level of \$212 million through the appropriation of \$30 million, \$5 million of which is recurring revenue.

\$10.4 million is provided for implementing statewide information technology security upgrades recommended by the state's cyber security consultant. The Department of Revenue is afforded \$3 million from the Capital Reserve Fund for identity and credit protection services and \$12 million for an updated tax processing system.

The budget includes \$130 million for Medicaid Maintenance of Effort. 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 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 and 100% cost reimbursement for rural hospitals.

\$15.5 million is included for individuals with complex care needs to be transitioned out of an institutional setting at the Department of Disabilities and Special Needs.

\$1.4 million is used to restore funding for the Certificate of Need Program at the Department of Health and Environmental Control. DHEC receives \$1.5 million for the Best Chance Network breast cancer screenings and Colon Cancer Prevention Network, \$100,000 for the J. R. Clark Sickle Cell Foundation, and \$500,000 for the Bleeding Disorders Premium Assistance Program. \$2 million from the Capital Reserve Fund is directed to address a budget shortfall at the Pinewood Hazardous Waste Disposal Site.

\$10.5 million is directed to the Department of Mental Health to address budget cuts sustained by the agency during the revenue shortfall of recent years, which includes provisions for 70 full-time employee positions. \$1 million is provided to the Department of Mental Health to expand its school-based programming. DMH receives \$2.25 million from the Capital Reserve Fund to begin the process of converting health records to an electronic format that is necessary for meeting federal hospital certification requirements.

\$1.6 million is appropriated for increasing monthly payments for foster care families.

The budget provides no additional funding for the ongoing project at the Department of Social Services to produce a computerized Child Support Enforcement System that

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meets federal certification requirements. A provision is included to abolish the project's executive committee and transfer sole authority over the project to the DSS Director. Quarterly progress reports on the project must be published on the department's website.

The Department of Social Services is directed to report to legislators on new accountability features for debit cards used in the Supplemental Nutritional Assistance Program that could reduce fraud and misuse of SNAP benefits.

The Attorney General's office is provided \$74,750 for a full-time information technology data security specialist, \$78,000 for a full-time appellate attorney, \$78,000 for a full-time Habeas Corpus attorney, \$45,500 for an Anti-Gang Coordinator, and \$167,700 for Criminal Domestic Violence Unit of three full-time employees.

The Commission on Indigent Defense receives \$136,578 for two new full-time appellate attorneys.

The Prosecution Coordination Commission is allocated \$1.6 million for violent crime prosecution and \$400,00 for the SC Center for Fathers and Families.

The State Law Enforcement Division receives \$475,136 for 4 full-time personnel to staff a new child fatality unit, \$697,316 for 10 full-time forensics personnel, \$2 million for 17 full-time alcohol enforcement personnel, and \$500,00 to enhance the Meth Lab Clean-Up Program.

The Department of Public Safety is provided \$447,300 for 10 new highway troopers, \$1.3 million for mobile data equipment and support for highway troopers, and \$2 million for law enforcement vehicle replacement. \$1.1 million is used to establish a local law enforcement grant program.

The Department of Corrections is afforded \$153,360 for an information security officer and IT auditor, \$2.122 million in other funds for cell phone interdiction, \$2.262 million for camera equipment and a surveillance network system at the Lee Correctional Institution, \$450,000 for the construction of three perimeter towers at the Lieber Correctional Institution, and \$40,00 for the third phase of its weapons replacement program.

The Department of Natural Resource is provided \$1.2 million to increase enforcement officers by 8 for a total of 15 new enforcement officers and equipment, \$108,074 for a new information technology security officer, and \$450,000 for law enforcement vehicle replacement.

The Forestry Commission receives \$200,000 for 4 additional full-time firefighters and \$2 million from the Capital Reserve Fund for new firefighting equipment.

\$3.9 million is included for capital projects at State Parks. 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 the Sports Development Fund, \$750,000 for marketing, and \$400,000 for international marketing.

\$5 million is provided for the African-American History Museum.

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\$1 million is provided for the Patriots Point Authority Medal of Honor Museum.

The Lieutenant Governor's Office on Aging receives \$2 million for respite caregivers, and \$3 million for its meal delivery and other home and community based services for the elderly.

\$1 million from the Capital Reserve Fund is provided to the Election Commission for a new voting system.

In response to concerns about the governance of the John de la Howe School raised in a recent Inspector General's report, the budget includes a provision for the Superintendent of Education to appoint a Chief Operating Officer to provide on-site programmatic and administrative technical assistance to the School and for the institution's board of trustees to consult with such agencies as the Department of Juvenile Justice, Department of Education, Department of Social Services, and the Department of Mental Health and submit a plan to the Governor, the Superintendent of Education, the Chairman of the House Ways and Means Committee, and the Chairman of the Senate Finance Committee for implementing the sound oversight that will fulfill the needs of this school for at-risk youth.

In response to programs at the University of Charleston and USC-Upstate which assigned literature and presentation materials to incoming freshmen that have elicited controversy, provisions are included for these institutions to spend portions of their appropriations to fulfill American civics instruction requirements on the United States Constitution, the Declaration of Independence, and The Federalist Papers. Provisions are included that allow students at the state's institutions of higher learning to opt out of an institution's required reading or lectures, assigned outside of a particular class, if they object to the requirements because of a sincerely held religious, moral, or cultural belief.

A requirement is included for each public institution of higher learning to submit a report denoting its mission, ethics, and values statements to the members of the General Assembly.

The legislation prohibits institutions of higher learning from imposing restrictions on the distribution of the United States Constitution or the South Carolina Constitution by their students.

A South Carolina State Blue Ribbon Advisory Committee is established to work with the SC State's President and the university's board of trustees to develop a budgetary plan to reduce expenditures and stabilize the university.

The House returned **S.516**, the "**SOUTH CAROLINA READ TO SUCCEED ACT**", to the Senate with amendments and the Senate subsequently concurred in those amendments and enrolled the bill for ratification. The legislation establishes a comprehensive K-12 initiative for promoting reading proficiency in the state's public schools with an emphasis on early intervention to assist students who are not demonstrating an ability to read at grade level. 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

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districts to create family-school-community partnerships that focus on increasing the volume of reading. Early grade students who are 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 affords students who score the lowest in reading assessments the opportunity to enroll in a summer reading camp prior to being retained the following school year. Each elementary school must employ a reading coach to serve as the school's resource for professional development in order to generate improvement in reading and literacy instruction and student achievement. Teacher certification and professional development requirements are revised to incorporate a new emphasis on literacy instruction.

The House concurred in Senate amendments to **H.3428** and enrolled the bill for ratification. The legislation provides for the **REAUTHORIZATION OF THE SOUTH CAROLINA FIRST STEPS TO SCHOOL READINESS INITIATIVE** and makes revisions to this program for providing enhanced early childhood development, education, and family support services to enable children to reach school ready to achieve academic success.

New accountability provisions are established to assess student progress and evaluate the performance of programs. The legislation includes provisions for establishing new qualification requirements for grants awarded to local First Steps partnerships. As a condition of receiving state funds, each local partnership must be subject to performance reviews that addresses such matters as local board functioning and collaboration and compliance with state standards and fiscal accountability. At least seventy-five percent of state funds appropriated for programs must be used by the local partnership for evidence-based programs designated by the First Steps Board as meeting such criteria as being grounded in published, peer reviewed research linked to determined outcomes. Not more than twenty-five percent of state funds appropriated may be used for evidence-informed programs which do not meet the strict criteria needed for designation as evidence-based programs but which the First Steps Board determines to be supported by research that indicates potential effectiveness. Authority is provided for local First Steps partnerships to enter into multicounty arrangements and to collaborate in a manner they determine will maximize the efficient and effective provision of services and programs to children and their families. A temporary Office of First Steps Study Committee is created to review the program's effectiveness and evaluate whether the Office of First Steps should be restructured as an independent agency. The study committee must submit its recommendations to the General Assembly by March 15, 2015, at which point it is set to dissolve.

The House concurred in Senate amendments to **H.3365** and enrolled the bill for ratification. The legislation creates a temporary **SCHOOL SAFETY TASK FORCE** that is charged with developing standards for district level policies to promote effective school discipline and mental health intervention services and examining how improved collaboration and organization could make the most of mental health resources and funding for school-based mental health services. The legislation provides for the membership of the task force and requires its recommendations to be reported to the

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General Assembly no later than December 31, 2014, at which time the task force must be dissolved.

The House concurred in Senate amendments to **H.3905**, the "**BACK TO BASICS IN EDUCATION ACT OF 2014**", and enrolled the bill for ratification. The 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 2015-2016 school year.

The House concurred in Senate amendments to **H.3853** and enrolled the bill for ratification. The legislation makes revisions pertaining to **CHARTER SCHOOLS**, notably, by providing for greater accountability in both the application and school closing stages. In order to promote the quality of charter school outcomes and oversight, the legislation includes requirements for charter schools to adhere to national industry standards for quality charter schools. The legislation provides authorization for creating alternative education campuses designed to serve at-risk and challenging student populations.

The House concurred in Senate amendments to **H.3014** and enrolled the bill for ratification. The legislation provides for the "**VETERANS TREATMENT COURT PROGRAM ACT**" 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 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.

The House and Senate adopted the conference report on **S.999** and enrolled the bill for ratification. The legislation allows for a ninety day **EXTENSION ON THE EXPIRATION OF A DRIVER'S LICENSE FOR A MEMBER OF THE U.S. ARMED FORCES WHO IS DEPLOYED OR REASSIGNED OUTSIDE THE STATE**. The extension is also allowed for civilian employees of the Department of Defense whose duties in support of the military take them out of state.

The House and Senate adopted the conference report on **H.3102**, designated as "**JAIDON'S LAW**", and enrolled the bill for ratification. This legislation revises the manner in which the Department of Social Services (DSS) and the courts address the removal of children from the custody of their parents or guardians to provide **ENHANCED AUTHORITY FOR REMOVING CHILDREN FROM ABUSIVE AND DANGEROUS HOMES**. The legislation requires the Legislative Audit Council to conduct a management performance audit of a program of the South Carolina Department of Social Services every three years.

The House concurred in Senate amendments to **H.3959** and enrolled the bill for ratification. The legislation provides that it is **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.

The House and Senate adopted the free conference committee report on **H.4560**, a bill pertaining to **MATERIAL SUBJECT TO AN ORDER FOR DESTRUCTION OF ARREST RECORDS OR EXPUNGEMENT**, and enrolled the legislation for ratification. The legislation establishes provisions for law enforcement agencies to keep certain records and files that are the subject of an expungement order and retain them under seal for future investigative purposes or other law enforcement use rather than destroying the records. The legislation revises expungement provisions, including new provisions that apply to Uniform Traffic Ticket violations where fingerprinting does not occur.

The House concurred in Senate amendments to **H.3644**, legislation revising **ECONOMIC DEVELOPMENT INCENTIVES**, and enrolled the bill for ratification. The Renewable Energy Tax Credit Incentive Program is revised so as to: redesignate the program the South Carolina Clean Energy Tax Incentive Program; decrease the investment thresholds and job creation requirements that must be met in order to qualify for the credit; require written notification to the Department of Commerce of an intention to claim the credit; and, extend the availability of the credit, currently set to expire at the end of 2015, so that it is available through 2020. The legislation revises tax credits afforded businesses for retraining current employees on new equipment and technology. The yearly amount of this credit against withholdings is increased from five hundred dollars to one thousand dollars. The current dollar for dollar match is replaced with a requirement that a business expend at least one dollar fifty cents on retraining eligible employees for every dollar claimed as a tax credit. The annual renewal fee is lowered from five hundred dollars to two hundred fifty dollars. Credits are disallowed if the employee is required to reimburse or pay for the costs of the retraining. The legislation includes provisions for the programs to be reviewed by the Department of Revenue and the State Board of Technical and Comprehensive Education. Businesses with retraining credits of at least forty thousand dollars, rather than the current ten thousand dollars, are subject to the additional annual fee of one thousand dollars. This legislation revises provisions for the corporate license tax credit allowed for cash contributions to provide infrastructure for eligible projects, so as to include in the definition of "eligible project" a municipal or county-owned, multiuse sports and recreational complex located in a county in which has been collected at least five million dollars in a fiscal year in state-imposed accommodations tax.

The House concurred in Senate amendments to Senate **H.4944** and enrolled the bill for ratification. The legislation provides for an extension of the **MULTIPLE LOT PROPERTY TAX DISCOUNTS** that have been provided for homebuilders and property developers during recent years of recession.

The House approved **S.809**, legislation **REQUIRING A CAPITAL PROJECTS SALES TAX REFERENDUM TO BE HELD AT A GENERAL ELECTION**, and enrolled the bill for ratification.

The House concurred in Senate amendments to **H.3459** and enrolled the bill for ratification. The legislation revises **OVERSIGHT BY THE SOUTH CAROLINA BOARD OF ACCOUNTANCY** at the Department of Labor, Licensing and Regulation, so that the board will have the capability of conducting periodic inspections of licensees and firms rather than simply performing audits in response to complaints. The legislation authorizes the board to conduct periodic inspections of licensees or firms, upon providing at least three business days' notice. An investigation of a licensed certified public accountant must be performed by an inspector-investigator who has been licensed as a CPA in the state for at least five years and must adhere to specified timeframes. LLR is required to post an annual report detailing the number of complaints received, the number of investigations initiated, and the duration of investigations. The director of LLR, with the advice and consent of the Board of Accountancy, must designate a South Carolina licensed certified public accountant to serve as a full-time administrator whose primary responsibility is to administer the board. The director of LLR must submit an annual report to the Chairmen of the Senate and House Committees on Labor, Licensing and Regulation concerning the workload of the Accountancy Board's Administrator. The legislation provides that a licensed CPA while in the performance of his duties is exempt from the licensing requirements established for private security and investigation agencies.

The House concurred in Senate amendments to **H.3021**, the **IRAN DIVESTMENT ACT**, and enrolled the bill for ratification. The legislation prohibits state and local government contracts with and disallows state funds from being invested with those who engage in investment activities with Iran by providing goods, services or credit worth \$20 million or more to Iran's energy sector. These restrictions apply only until the President or Congress of the United States declares that this type of divestment interferes with the conduct of foreign policy or until the United States revokes its current sanctions against Iran.

The House concurred in Senate amendments to **H.4399** and enrolled the bill for ratification. The legislation establishes provisions **PROHIBITING POWDERED ALCOHOL** sales, purchases, use, and possession for one year. Misdemeanor criminal penalties are established for violations. The legislation includes provisions **ALLOWING THE ISSUANCE OF PERMIT FOR ON-PREMISES CONSUMPTION OF ALCOHOLIC LIQUOR IF ALL PLAYGROUNDS AND CHURCHES IN THE PROXIMITY AFFIRMATIVELY STATE THAT THEY DO NOT OBJECT** to the issuance.

The House concurred in Senate amendments to **S.813** and enrolled the bill for ratification. The legislation establishes a **CRIMINAL PENALTY FOR THE ENFORCEMENT OF A WARNING BANNING SOMEONE FROM A PUBLIC LIBRARY**. The legislation establishes a misdemeanor that applies to someone who enters a public library, without legal cause or good excuse, after having been warned not to do so by the library director, the branch manager, or the acting branch manager of the library in consultation with the library director. The legislation includes requirements for issuing written warnings in the presence of a law enforcement officer that cite the alleged violation of criminal law or library code of conduct and specify the duration of the prohibition to return. A process is established for appealing a warning. A violator is subject to a fine of up to two hundred dollars or imprisonment for up to thirty days.

The House concurred in Senate amendments to **S.985** and enrolled the bill for ratification. The legislation provides for the "**FAIRNESS IN LODGING ACT**" as a

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means of targeting property owners who are renting residential accommodations to tourists through vacation rental by owner (VRBO) arrangements and are deriving an illicit competitive advantage by failing to comply with local business license requirements and by failing to remit required accommodations taxes. The legislation affords municipalities and counties the option of implementing, by ordinance, additional enforcement provisions in the form of notifications to property owners of business license and accommodations tax provisions that apply to rentals as well as penalties imposed for failure to comply. The legislation includes provisions for data sharing and greater coordination between local governments and the South Carolina Department of Revenue in order to enhance enforcement. Additionally, the state Department of Revenue is required to identify websites containing 'rent by owner' vacation rental opportunities and request them to post a statement on the website that the owner of South Carolina rental properties is required to be licensed and to collect applicable local and state fees and taxes.

The House concurred in Senate amendments to **S.437** and enrolled the bill for ratification. The legislation revises state provisions to bring them into alignment with federal tax provisions on the issue of **SHORT-TERM RENTALS OF PERSONAL RESIDENCES**. The legislation authorizes the application of the four percent assessment ratio allowed for owner-occupied residential property if the residence is not rented for more than seventy-two days in a calendar year. The legislation provides that the two percent state sales tax imposed on accommodations does not apply to gross proceeds from rentals received by persons renting their personal residence for fewer than fifteen days total in a year if the gross proceeds of the rental income are excluded from federal taxable income. The legislation includes provisions allowing exemptions and favorable tax status to be retained for property placed in a trust that is established solely for the benefit of a religious organization and for property held in a family trust or similar arrangements.

The House concurred in Senate amendments to **S.176** and enrolled the bill for ratification. This legislation increases the **TIME PERIOD IN WHICH A MOTION FOR A NEW TRIAL MAY BE MADE IN MAGISTRATES COURT** from five days to ten days. The increase does not apply to cases involving the ejection of tenants or to other landlord and tenant matters.

The House returned **H.3361** to the Senate with amendments and the Senate subsequently concurred in those amendments and enrolled the bill for ratification. This legislation authorizes **PROTECTIONS FOR PETS IN COURT ORDERS OF PROTECTION FROM DOMESTIC ABUSE** in order to prevent the mistreatment of an animal from being used as a means of threatening or coercing a domestic abuse victim. This legislation authorizes a court to prohibit harm or harassment of a pet animal in an order of protection from domestic abuse. The court may also order the temporary possession of pets when providing for the temporary possession of personal property. The legislation also enhances penalties for criminal violations involving **CRUELTY TO ANIMALS**. The legislation provides that the South Carolina Society for the Prevention of Cruelty to Animals, or other organizations organized for the same purpose, may not make an arrest for a violation of the laws in relation to cruelty to animals.

The House concurred in Senate amendments to **H.4673** and enrolled the bill for ratification. The legislation expands provisions for the **LIMITATION ON LEGAL LIABILITY FOR LANDOWNERS TO INCLUDE RECREATIONAL AVIATION**

ACTIVITIES. This limitation of a landowner's legal liability includes recreational aviation activities such as the taking off, flying, or landing of an airplane or aircraft, but does not extend to airshows or any activity where the general public is invited.

The House approved **S.840**, which pertains to **PRESCRIPTION MONITORING**, and enrolled the bill for ratification. This legislation revises the State's Prescription Monitoring Program so as to require dispensers to make daily submissions about certain controlled substances; current law provides for reports made at least every 30 days. The legislation also provides for an authorized delegate, which means an individual who is approved as having access to the prescription monitoring program and who is directly supervised by an authorized practitioner or pharmacist. The legislation requires a pharmacist or practitioner who knowingly discloses prescription monitoring information in violation of provisions to be reported to his respective board for disciplinary action. The legislation requires certain continuing professional education for physicians related to procedures for prescribing and monitoring controlled substances.

The House concurred in Senate amendments to **H.4550**, a bill that updates the **LICENSURE REQUIREMENTS FOR NURSING HOME AND COMMUNITY RESIDENTIAL CARE FACILITY (CRCF) ADMINISTRATORS**, and enrolled the legislation for ratification.

The House concurred in Senate amendments to **H.4543** and enrolled the bill for ratification. The legislation revises daily fishing limits for **BLUE CATFISH**. The legislation provides that taking or possessing more than the legal creel or size limit of blue catfish is a fourteen point violation. The Department of Natural Resources must conduct a study on the status of the state's blue catfish population and present its findings to the General Assembly before January 1, 2018.

The House concurred in Senate amendments to **S.986**, a bill **ENHANCING PENALTIES FOR HUNTING, FISHING, OR TRAPPING, WITHOUT A LANDOWNER'S CONSENT**, and enrolled the legislation for ratification. The legislation increases penalties for misdemeanor violations relating to hunting, fishing, or trapping on land without the landowner's consent and increases points assessed by the Department of Natural Resources for such violations.

The House approved **S.897**, a bill addressing **SOLICITOR'S OFFICE RETIREE PARTICIPATION IN STATE HEALTH AND DENTAL PLANS**, and enrolled the legislation for ratification. The legislation provides that a person who retires from employment with a solicitor's office under a state retirement system is eligible to participate in the state health and dental plans by paying the full premium as determined by the board if at least one county in the judicial circuit covered by that solicitor's office participates in the state health and dental plans and the person's last five years of employment prior to retirement are consecutive and in a full-time permanent position with that solicitor's office or another entity that participates in the state health and dental plans. These provisions must be interpreted to provide eligibility to the employee, retiree, and their eligible dependents and are retroactive to January 1, 2012.

The House adopted the conference committee report on **H.4997**, pertaining to **NONFRANCHISE AUTOMOBILE DEALER LICENSES**.

A conference committee was appointed to address the differences between the House and Senate on **S.535**, legislation establishing a new **HIGHER EDUCATION PERMANENT IMPROVEMENT PROJECT REVIEW PROCESS** and **DESIGNATING THE UNIVERSITY OF CHARLESTON, SOUTH CAROLINA, AS A RESEARCH INSTITUTION**.

A conference committee was appointed to address the differences between the House and Senate on **S.825**, the "**MILITARY FAMILY QUALITY OF LIFE ENHANCEMENT ACT OF 2014**".

A conference committee was appointed to address the differences between the House and Senate on **H.3086**, which enhances **IN-STATE TUITION RATE ELIGIBILITY FOR VETERANS AND THEIR DEPENDENTS**.

A conference committee was appointed to address the differences between the House and Senate on **H.4354**, relating to **PATIENTS' MEDICAL RECORDS**.

A conference committee was appointed to address the differences between the House and Senate on **H.4665**, a bill relating to **CHILDCARE FACILITIES**.

A conference committee was appointed to address the differences between the House and Senate on **H.4061**, a bill to provide for **AGE-APPROPRIATE INSTRUCTION IN SEXUAL ABUSE AND ASSAULT AWARENESS AND PREVENTION** in the state's public schools.

A conference committee was appointed to address the differences between the House and Senate on **H.3124**, legislation which provides **PROTECTIONS FOR REPORTING CHILD ABUSE OR NEGLECT**.

A conference committee was appointed to address the differences between the House and Senate on **H.3149**, a bill revising provisions concerning the **PURCHASE OF PRECIOUS METALS**.

BILLS INTRODUCED IN THE HOUSE THIS WEEK

JUDICIARY

S.375 "DILAPIDATED BUILDINGS ACT" Sen. Hutto

This legislation enacts the "Dilapidated Buildings Act", which allows a municipality to bring a cause of action against the owner of property not in substantial compliance with one or more municipal codes regarding (1) prevention of substantial risk of injury to a person or (2) condition of the property constituting an imminent danger to the public health or safety. The legislation establishes reporting requirements of the municipality

concerning a violation against which the municipality may bring a cause of action under this legislation. The legislation provides remedies and procedures.

H.5368 ETHICS AND GOVERNMENT ACCOUNTABILITY Rep. Finlay

Relating to definitions in regard to ethics and government accountability, this legislation revises the definition of the term "business with which he is associated". Relating to contents of statements of economic interests, this legislation revises the form and required contents of statements of economic interests.

H.5376 LAWN MOWERS Rep. Daning

This legislation makes relating to operating a motor vehicle while under the influence of alcohol or drugs also apply to the driver of a lawn mower who is under the influence of alcohol or drugs.

WAYS AND MEANS

S.1251 PROPOSED STATE CONSTITUTIONAL AMENDMENT AUTHORIZING INVESTMENTS IN EQUITY SECURITIES FOR STATE AND LOCAL TRUST FUNDS FOR EMPLOYEE PENSION BENEFITS Sen. Bryant

This joint resolution proposes an amendment to the South Carolina Constitution to allow the funds of any trust fund established for the funding of post-employment benefits for state employees and public school teachers may be invested in equity securities just as such investments are made for the funds of the various state-operated retirement systems. The legislation also proposes to amend the State Constitution to provide this authorization for investing in equity securities for the funds that a political subdivision of this state sets aside for the funding of post-employment benefits of its employees, including funds invested in an independent trust.

H.5355 TAX RELIEF PROVISIONS FOR THOSE WHO ARE AT LEAST SEVENTY-FIVE YEARS OLD Rep. R. L. Brown

This bill revises tax code provisions to provide that one percent of the sales and use tax, accommodations tax, and casual excise tax does not apply to persons seventy-five years of age or older rather than eighty-five years of age or older.

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