



South Carolina House of Representatives

Legislative Update

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

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CONTENTS

House Week in Review	02
Bills Introduced in the House This Week	04

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HOUSE WEEK IN REVIEW

On Tuesday, January 13, 2015, the House of Representatives convened in Columbia for the commencement of the 121st South Carolina General Assembly.

As the House begins its legislative session, the body operates under the rules it adopted (**H.3001**) at last month's organizational session. The membership adopted **REVISIONS TO HOUSE RULES** recommended by the bipartisan Ad Hoc Rules and Procedures Committee which the Speaker of the House appointed and charged with examining current practices and rules, holding public meetings, and seeking input from House Members and the public in order to identify ways the legislative body can be more transparent and accountable. These House Rules revisions include:

- New term limits imposed upon the offices of House Speaker and Speaker Pro Tempore so that those who are elected to the offices by the body may serve in these leadership positions for no more than five consecutive terms.
- Authority for the Speaker Pro Tempore to assume the duties of the Speaker should a conflict of interest arise involving the Speaker and the performance of his duties.
- A prohibition on leadership PACs that disallows the use of these political action committees by prohibiting a House Member from, directly or indirectly, establishing, financing, maintaining, or controlling a noncandidate committee or any other sort of arrangement that receives or makes campaign contributions. This prohibition does not apply to a candidate committee or a legislative caucus committee.
- Provisions that require the Speaker to consult with the majority and minority political party leaders when making appointments to the conference committees and free conference committees that are formed to address differences with the Senate over legislation and to appoint at least one member of the minority political party to these conference committees.
- An alteration in the procedure that allows a newly-introduced bill to bypass the committee process with the unanimous consent of the body. Under the revised rules, such unanimous consent requests for a bill to go without reference to a committee can only be made after the day's roll call has been taken and the Speaker has determined that a quorum is present.
- A new requirement for all House committees and subcommittees to take roll call votes when deciding whether to give a favorable report on legislation so as to record the names of those voting and how they vote.
- A requirement for House Members to receive explanations of all the legislation they consider which provides that, whenever a bill or joint resolution is up for second reading approval before the House, the legislation's sponsor, the chairman of the committee that has reported out the legislation, or some other

Legislative Update, January 20, 2015

House Member must explain the legislation for at least ten minutes or until all questions from House Members are addressed, whichever comes first.

- Mandatory waiting periods established at key phases of the state government budget-writing process that afford House Members more time to see what alterations might have been made since last they considered the budget legislation. The revised rules do not allow the General Appropriations Bill and other appropriations legislation that has been returned from the Senate with amendments to be considered until their number and title have been printed in the House Calendar and their contents, as amended, have been made available online to the public for at least forty-eight hours. A Conference Committee or Free Conference Committee report on appropriations legislation may not be considered until the report has been printed in the House Journal and made available online to the public for at least twenty-four hours. The House may, however, waive this mandatory waiting period for budget conference reports with a two-thirds vote of the membership present and voting, a quorum being present.
- A requirement for House committees to review legislation that has been substantially rewritten by Senate amendments. The revised rules require, rather than simply allow, the Speaker to send to a committee any bill, joint resolution, or concurrent resolution returned from the Senate with an amendment that has so materially changed the legislation's contents as to make it no longer substantially germane to the legislation as it passed the House. The House may, however, waive this requirement with a two-thirds vote of the membership present and voting, a quorum being present.
- The creation of the Legislative Oversight Committee formed to fulfill new legislative duties under the "South Carolina Restructuring Act of 2014" to conduct periodic reviews and launch special investigations for the purpose of determining which state government programs continue to serve worthwhile purposes and which should be scaled back or eliminated altogether. Under the committee's review cycle, each agency, department, and office of government will be scrutinized every seven years, and special investigations may be performed as needed.
- The creation of the Regulations and Administrative Procedures Committee which is established to receive all proposed state agency regulations submitted for legislative review under the Administrative Procedures Act rather than having these proposed regulations divided up among the various standing legislative committees for review according to their subject matter. This committee must be composed of at least two members from each of the House's six standing legislative committees.
- A revised composition for the Operations and Management Committee whose members are elected by the House to advise the Speaker on matters relating to personnel, administration, and facilities management. The revisions provide for an eight-member committee that is divided equally between the majority and minority parties and chaired by one of the majority party members.

- New procedures for hiring House staff under which the Clerk's Office receives and reviews all applications for employment vacancies and then submits a list of the most qualified applicants to the appropriate committee chairman or other supervisory authority for consideration. The supervisory authority's selection is then submitted to the Speaker for final appointment as a member of the House staff. Provisions are also included for conducting House employee salary reviews.
- Revisions concerning the House of Representatives Legislative Ethics Committee, which is elected by the House membership to address allegations of unethical conduct. Provisions are included under which the committee addresses alleged violations of Ethics Act provisions and provisions governing the conduct of lobbyists and refers any matters, regardless of a finding of probable cause, that are violations of law not under its jurisdiction to the appropriate law enforcement or regulatory agency. New transparency requirements are included which provide that, unless otherwise indicated by rule or statute, all meetings, deliberations, actions, issuance of advisory opinions, debates, recommendations, and other activities of the committee are subject to the provisions of the Freedom of Information Act. Provisions authorize the committee to obtain outside assistance when needed and to employ counsel who is not employed by any other House committee or office other than the House Clerk's office.

BILLS INTRODUCED IN THE HOUSE THIS WEEK

AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

H.3323 "SOUTH CAROLINA NOXIOUS WEED ACT" Rep. V. S. Moss

The legislation deletes the term "Commissioner" and replace it with the term "State Crop Pest Commission". The term "Director" means the Director of the Division of Regulatory and Public Service Programs, Clemson University. The legislation also outlines that the commission shall delegate the duties provided to the director who may administer and enforce the provisions and promulgate related regulations. The director is the final decision authority in the designation and management of noxious weeds.

EDUCATION AND PUBLIC WORKS

H.3304 CREATION OF THE LANDRUM FIRE AND RESCUE DISTRICT Rep. Brannon

This legislation creates the Landrum Fire and Rescue District in Greenville and Spartanburg Counties, a multicounty special purpose district. Among other things, the legislation establishes a governing commission and prescribes the functions and powers of the commission.

JUDICIARY

H.3285 ESTABLISHMENT OF THE CRIMINAL OFFENSE OF UNLAWFUL TRACKING Rep. Rutherford

This legislation provides that it is unlawful for a person including, but not limited to, a law enforcement officer or other employee of a law enforcement agency or a person associated with, or employed by, a security or private investigative business to: (1) install or place a tracking device, or cause a tracking device to be installed or placed, in or on a motor vehicle without the knowledge and consent of the owner of the motor vehicle or, if the motor vehicle is leased, without the knowledge and consent of the lessee of the motor vehicle; and (2) track the location of a motor vehicle with a tracking device without the knowledge and consent of either the owner or the authorized operator of the motor vehicle. Among other things, the legislation defines the term "tracking device", includes criminal penalties, and provides certain exceptions.

H.3286 CONDITIONAL RELEASE OF CERTAIN INMATES Rep. Rutherford

This legislation provides that the Director of the Department of Corrections may conditionally release an inmate who is serving a sentence for the unlawful possession, manufacture, sale, or distribution of a controlled substance if that inmate meets certain eligibility requirements.

H.3287 ESTABLISHMENT OF THE CRIMINAL OFFENSE OF IMPEDING THE NORMAL BREATHING OR BLOOD CIRCULATION OF ANOTHER PERSON WITHOUT CONSENT Rep. Crosby

This legislation provides that it is unlawful for a person to impede the normal breathing or blood circulation of another person without consent by intentionally applying pressure to the other person's throat or neck or obstructing the other person's nose or mouth. The legislation includes penalties and provides exceptions for licensed health care professionals and law enforcement. This legislation provides that a person who violates these provisions is also guilty of the offense of criminal domestic violence of a high and aggravated nature.

H.3288 PROPOSED CONSTITUTIONAL AMENDMENT RELATING TO QUALIFICATIONS OF MEMBERS OF THE SOUTH CAROLINA SENATE AND HOUSE OF REPRESENTATIVES Rep. Crosby

This joint resolution proposes to amend the State Constitution relating to qualifications of Members of the South Carolina Senate and House of Representatives. The legislation requires a candidate to the General Assembly seeking elective office to be a qualified elector of the district in which he is a candidate for at least 90 consecutive days prior to the first day that candidates may file for that office. The proposed amendment must be submitted to the qualified electors at the next general election for representatives.

H.3289 DISTRACTED DRIVING Rep. Crosby

This legislation provides that it is unlawful to drive a motor vehicle while engaged in any activity that materially and appreciably impairs a driver's faculties to drive a motor vehicle. A person who violates this provision is guilty of driving while distracted and, upon conviction, must be fined not more than \$500. A law enforcement officer may not charge a driver with a violation of this provision unless the driver is observed violating

another motor vehicle offense due to his being distracted by activities performed in the motor vehicle. A law enforcement officer may issue a warning ticket to a driver whose actions could result in a distracted driving violation.

H.3305 DENIAL OF UNEMPLOYMENT BENEFITS FOR AN EMPLOYEE WHO TESTS POSITIVE FOR ILLEGAL DRUG USE OR THE UNLAWFUL USE OF LEGAL DRUGS Rep. Lowe

The legislation relates to the denial of unemployment benefits for an employee who tests positive for illegal drug use or the unlawful use of legal drugs; it revises the range of specimens from an employee that may be tested to include oral fluids.

H.3306 TRANSPORTATION/STORAGE OF AMMUNITION OR FIREARMS Rep. G. R. Smith

The stated intent of this legislation is to reinforce and protect the right of each citizen lawfully to transport and store legally possessed ammunition or firearms within his private motor vehicle for lawful purposes in any place where the motor vehicle is otherwise permitted to be. This legislation prohibits a business entity, property owner, or public or private employer from creating or maintaining a policy which prohibits a person from storing legally possessed ammunition or a firearm in an enclosed compartment or area with the person's privately-owned locked motor vehicle. The legislation provides circumstances for which a person may bring a civil action against a business entity, property owner, or public or private employer.

H.3308 SOUTH CAROLINA EDUCATION LOTTERY Rep. G. A. Brown

This legislation makes revisions relating to definitions in regard to the South Carolina Education Lottery. The legislation revises the definition of lottery or lottery games and the prohibition against pari-mutual betting by providing that a permitted lottery game includes the ability of a player to purchase a quick-pick lottery ticket with one-half of the ticket price being placed directly into a horseracing pari-mutuel pool under specified terms and conditions.

H.3325 "UNIFORM PARTITION OF HEIRS' PROPERTY ACT" Rep. J. E. Smith

This legislation enacts the "Uniform Partition of Heirs' Property Act". The legislation defines necessary terms; provides for notice by publication in a partition action, provides procedures for a court to follow in determining the value of the property and factors for a court to consider for different types of partitions, provides for open-market sales, sealed bids, or auctions. Among other things, the legislation designates the existing provisions of Chapter 61 as Article 1; amends a provision relating to partition actions, so as to provide for a court hearing to determine if the partition action concerns heirs' property; and amends a provision relating to writs of partition so as to delete obsolete references.

MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

H. 3324 COMMITTEE TO STUDY STATE AND LOCAL LEVEL VETERANS ISSUES Rep. J. E. Smith

This Joint Resolution establishes a committee to study state and local level veterans issues. The bill also makes appropriate legislative recommendations for improving the

structure, delivery and coordination of veterans' services in South Carolina. The bill also provides for the committee's membership, duration and staffing.

WAYS AND MEANS

H.3290 ZERO-BASE BUDGET REVIEW OF STATE AGENCIES Rep. Crosby

This bill makes provisions for each state agency to be subjected to a zero-base budget review by the House Ways and Means Committee and the Senate Finance Committee at least once every ten years. The legislation provides for the review schedule to commence with appropriations for Fiscal Year 2016-2017.

H.3309 SALES TAX EXEMPTION FOR RELIGIOUS ORGANIZATIONS' PURCHASES Rep. G. A. Brown

This bill establishes a state sales tax exemption for items purchased by a religious organization that is tax exempt under federal revenue code provisions so long as the items are used exclusively for the organization's tax exempt purpose.

H.3313 RECLASSIFICATION OF REAL PROPERTY FOR TAX PURPOSES Rep. Pope

This bill provides that, when calculating roll-back tax due on a parcel of real property changed from agricultural to commercial or residential use, the value used for platted green space or open space use of the parcel, if such use is ten percent or more of the parcel, must be valued based on the green space or open space use. The legislation provides that, after a parcel of real property has undergone an assessable transfer of interest, delinquent property tax and penalties assessed because the property was improperly classified as owner-occupied residential property while owned by the transferor are solely a personal liability of the transferor and do not constitute a lien on the property and are not enforceable against the property after the assessable transfer of interest if the transferee is a bona fide purchaser for value without notice.

H.3314 SOUTH CAROLINA ADVISORY BOARD OF AUDIT REVIEW Rep. G. R. Smith

This bill creates the South Carolina Advisory Board of Audit Review to help improve efficiency, effectiveness, and accountability in the Office of the State Auditor and to advise the State Auditor regarding his functions as an independent verifier of financial or performance benchmarks required of agencies or entities under review by the State Auditor upon referral by the General Assembly or either one of its houses.

H.3321 ROAD FUNDING DERIVED FROM POSSIBLE TAX REVENUE FROM ONLINE SALES DISTRIBUTION FACILITIES Rep. Forrester

This bill provides that should the state sales tax nexus provision established for a major online sales distribution facility become inapplicable, any resulting sales tax revenue must be credited to the State Highway Fund to be used exclusively for road and bridge improvement.

H.3322 ELECTRONIC TAX LIENS Rep. Bannister

This bill provides authorization for the Department of Revenue to file tax liens validly by implementing an Internet accessible notice system. The legislation creates the

Electronic Tax Lien Oversight Committee to ensure tax liens are electronically filed and indexed accurately.

H.3326 “SOUTH CAROLINA CHOICE SCHOLARSHIP ACT” Rep. Rivers

This bill enacts the “South Carolina Choice Scholarship Act” to enable nonprofit organizations to provide scholarships to pay K-12 education costs of eligible students from lower-income families to attend public schools or private schools. The legislation provides that these scholarships may not be treated as income or a resource for the purposes of qualifying for any other federal or state grant or program administered by the state or a political subdivision.

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