



South Carolina House of Representatives

# Legislative Update

Robert W. Harrell, Jr., Speaker of the House

---

Vol. 31

March 10, 2014

No. 07

## CONTENTS

HOUSE WEEK IN REVIEW .....	02
BILLS INTRODUCED IN THE HOUSE THIS WEEK.....	09

***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 concurred in Senate amendments to **H.4576**, a joint resolution **AUTHORIZING SCHOOL DISTRICTS TO FORGIVE UP TO FIVE DAYS MISSED THIS SCHOOL YEAR DUE TO INCLEMENT WEATHER**, and enrolled the legislation for ratification. Under the legislation, the governing body of a school district may waive the requirement that schools make up full days missed due to inclement weather for five or fewer full school days that students who attend schools or charter schools in the district missed due to inclement weather during the 2013-2014 school year. However, before a school district makes use of this authority to waive make-up days, it must exhaust all of the statutorily required make up days remaining on the 2013-2014 school calendar. When a district waives a make-up day under this legislation, the make-up day also is waived for any student participating in a home schooling program approved by the board of trustees of the district in which the student resides.

The House concurred in Senate amendments to **H.3027** and enrolled the bill for ratification. The legislation provides for the **EXPANSION OF THE OWNER-OCCUPIED RESIDENTIAL PROPERTY TAX ASSESSMENT RATIO ELIGIBILITY FOR MILITARY PERSONNEL**. The legislation provides that an active duty member of the Armed Forces of the United States who receives the special assessment ratio for owner-occupied residential property retains this four percent assessment ratio as long as the owner remains on active duty, regardless of the owner's subsequent relocation or change of duty station and regardless of any rental income attributable to the property. The legislation also provides that an eligible active duty member of the U.S. Armed Forces who receives orders for a permanent change of station or a temporary duty assignment for at least one year, may claim the four percent assessment ratio and applicable exemptions for two residential properties located in the State for up to two years so long as the owner is attempting to sell the first acquired residence. These provisions also include the spouse of the service member who jointly owns the qualifying property.

The House concurred in Senate amendments to **H.3089** and enrolled the bill for ratification. The legislation provides for a maximum three thousand dollar a year **INDIVIDUAL INCOME TAX DEDUCTION FOR VOLUNTEER STATE CONSTABLES**.

The House returned **S.19** to the Senate with amendments. The legislation revises **BAIL AND BOND PROVISIONS** in criminal court proceedings, including more stringent bond provisions that apply to someone who is charged with committing a violent crime while already out on bond for a previous violent offense. This legislation requires a bond hearing to occur within thirty days in circuit court if a person out on bond for a violent offense is charged with another violent offense not arising out of the same series of events as the initial violent offense charged. If the judge finds at this hearing that there are no conditions of release that will ensure that the person is unlikely to flee or pose a danger to the community, the legislation requires the judge not to set bond for the most recent offense and to revoke the bond for the initial offense. In such circumstances, notice of the second arrest must be sent to the solicitor of the circuit in which the crime was committed and the circuit's administrative chief judge, and the prosecuting agency must make the required notifications about bond hearings to any victims of the initial or subsequent crimes. Additionally, the legislation brings greater uniformity to the statutory lists of considerations that judges and magistrates use for setting bond. The legislation

adds the requirement that both judges and magistrates consider whether the charged person appears in the state gang database maintained at the State Law Enforcement Division when making a determination about bond. The legislation allows someone to post bond with the jail or detention center in jurisdictions that are equipped to receive such payments.

The House amended, approved, and sent the Senate **H.3428**, a bill that provides for the **REAUTHORIZATION OF THE SOUTH CAROLINA FIRST STEPS TO SCHOOL READINESS INITIATIVE** and makes revisions to this initiative for providing enhanced early childhood development, education, and family support services to enable children to reach school ready to achieve academic success. The legislation provides that, before July 1, 2015, the Education Oversight Committee, in consultation with the South Carolina First Steps to School Readiness Board of Trustees and other early childhood advocates, is required to recommend to the State Board of Education an assessment to evaluate and measure the school readiness of students prior to their entrance into a pre-kindergarten or kindergarten program. This research-based assessment must evaluate each child's early language and literacy development, numeracy skills, physical well-being, social and emotional development, and approaches to learning. The school readiness assessment adopted by the State Board of Education may not be used to deny a student admission or progress to kindergarten or first grade and results of individual students may not be publicly reported. Every student entering the public schools for the first time in prekindergarten and kindergarten must be administered a readiness screening by the forty fifth day of the school year. The First Steps Board shall utilize the annual aggregate literacy and other readiness assessment information in establishing standards and practices to support all early childhood providers served by First Steps. The legislation includes new requirements for the First Steps to School Readiness Board of Trustees to develop a school readiness description, program objectives, and benchmarks for measuring progress, and then subject them to an evaluation every five years. The legislation makes some revisions to the composition of the First Steps to School Readiness Board of Trustees and emphasizes diverse geographical representation on this governing board through the appointment of individuals from each congressional district. The legislation codifies duties of the First Steps Board relating to serving as South Carolina Advisory Council for Head Start as well as ensuring that BabyNet complies with the maintenance of effort requirement by coordinating with agencies that provide early intervention. The legislation redesignates the office of First Steps to School Readiness as a state agency, makes its director subject to the authority of the Agency Head Salary Commission, and provides for new duties that include conducting data collection and evaluating each program funded by the First Steps Board on a regular cycle to determine its effectiveness and whether it should continue to receive funding. The legislation replaces the strict county-by-county organizational structure for First Steps partnerships with new authority for local partnerships to collaborate in a manner they determine will maximize the efficient and effective provision of services and programs to children and their families. The legislation includes provisions for the First Steps Board to establish bylaws for use by each local partnership board and for each local partnership board to maintain a total minimum membership of twelve and a maximum membership of thirty elected, appointed, and designated individuals. The legislation includes provisions for the First Steps Board to establish grant qualification requirements and a funding formula, which includes the identification of the most relevant and effective factors, by which the allocations for qualifying local partnership grants are calculated. As a condition of receiving state funds, each local partnership must be subject to performance reviews by

## Legislative Update, March 10, 2014

the South Carolina First Steps agency 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.

The legislation subjects each prevalent program investment to an independent evaluation under a five-year review cycle in order to gauge First Steps' progress in meeting its goals.

The House approved and sent the Senate **H.4749**, a joint resolution on the selection of the **EARLY LITERACY ASSESSMENT FOR KINDERGARTEN PROGRAMS**. This legislation requires the State Board of Education immediately, in consultation with the Department of Education, the Office of First Steps to School Readiness, the Education Oversight Committee, and other stakeholders, begin to consider which assessment must be used to analyze the early literacy competencies of children in state-funded full-day and half-day four-year-old kindergarten programs and of all children entering kindergarten programs in public schools during the 2014-2015 school year. The assessment must be the same or aligned to assessments intended to provide diagnostic information to teachers and measure student growth over time. The legislation requires the board to report to the General Assembly on the assessment it has selected as well as any comprehensive kindergarten readiness assessment standard chosen to replace it.

The House returned **S.148** to the Senate with amendments. The legislation establishes **IDENTITY THEFT SAFEGUARDS FOR PROTECTED CONSUMERS**, a special class of consumers composed of children as well as adults who are incapacitated or otherwise under another's guardianship. To help prevent the identities of these protected consumers from being stolen and used for such purposes as opening fraudulent credit accounts, the legislation establishes requirements for consumer reporting agencies to place security freezes on the records of those under the age of sixteen as well as incapacitated individuals and protected individuals for whom a guardian or conservator has been appointed upon the request of parents or other representatives who can produce sufficient proof of their authority to act on behalf of the protected consumers. A consumer reporting agency may not charge any fees for implementing security freezes for protected consumers or for creating any consumer credit files needed to implement such security freezes.

The House amended, approved, and sent the Senate **H.4347**, the "**SOUTH CAROLINA CHILDREN'S ADVOCACY MEDICAL RESPONSE SYSTEM ACT**". This legislation creates the South Carolina Children's Advocacy Medical Response System, under the administration of the University of South Carolina School of Medicine, to provide statewide coordination and medical service resources, assisting and collaborating with children's advocacy centers and state agencies charged with the investigation, assessment, treatment, and prosecution of child abuse or neglect for children in the state. The program is charged with developing, supporting, and maintaining a consistent quality standard of care and practice for services intrinsic to the assessment of children

## Legislative Update, March 10, 2014

who are suspected victims of abuse or neglect, such as medical expert witness services and forensic medical examinations, assessments, and diagnoses. The program is responsible for providing guidance on the training of health care providers participating in the forensic medical assessment of suspected victims of child abuse or neglect, the reporting of findings, and when a forensic medical assessment should be obtained by the South Carolina Department of Social Services and law enforcement agencies. The program is required to collect and manage data from participating health care providers, children's advocacy centers, and children's hospitals for the purposes of establishing quality assurance programs, research, and public policy guidance.

The House approved and sent the Senate **H.4788**, a bill designating the second Sunday in August as "**SPIRIT OF '45 DAY**" to commemorate the anniversary of the end of World War II.

The House approved and sent the Senate **H.4403**, a bill designating January seventeenth of each year, the birthday of the late actress, singer, and native South Carolinian Eartha Mae Kitt, as "**EARTHA KITT DAY**" in South Carolina.

The House amended, approved, and sent the Senate **H.4560**, a bill pertaining to **MATERIAL SUBJECT TO AN ORDER FOR DESTRUCTION OF ARREST RECORDS OR EXPUNGEMENT**. This legislation provides that evidence gathered, incident reports, and investigative files produced as a result of a law enforcement action or investigation must be retained, under seal, by the agency for future investigative purposes or any other law enforcement purpose for a period not to exceed three years from the date of the expungement order and are not subject to an order for destruction of arrest records. Provided, however, specific language indicating a subject has been arrested or charged with a crime must be redacted from the incident report following a no conviction disposition of such criminal charge. A violation of these provisions is a misdemeanor. Additionally, this legislation includes any associated bench warrant among records that must be destroyed when charges are dismissed or expunged and allows expungement provisions to apply to someone who has been under investigation for a criminal offense.

The House amended, approved, and sent the Senate **H.4364**, a bill requiring **PUBLICATION OF CHANGES IN VOTING PROCEDURES**. This legislation requires the executive director of the State Election Commission to publish on the commission's website each change to voting procedures by act or joint resolution of the General Assembly, or by ordinance of a political subdivision of the State, relating to the election laws of the State together with a brief explanation, if necessary, of each such enactment. Enactments and any accompanying explanations published on the commission's website must remain on the commission's website at least through the date of the next general election.

The House concurred in Senate amendments to **H.3563**, a bill making **REVISIONS TO THE "SOUTH CAROLINA SELF-SERVICE STORAGE FACILITY ACT"**, and enrolled the legislation for ratification. The legislation revises the provisions for how the owner of property kept in a self-service storage facility can be placed in default for failure to pay rent and how the storage facility owner can sell or otherwise dispose of the defaulting occupant's property. The legislation revises notification requirements for this process including new authorization to provide notices by electronic mail.

## Legislative Update, March 10, 2014

The House approved **S.699** and enrolled the bill for ratification. The legislation codifies an additional **INSPECTION FEE ON THE DISTRIBUTION OR SALE OF COMMERCIAL FERTILIZER** in the amount of one dollar a ton that has been imposed through budget provisos since 2009. All revenues of the fee must be retained and expended by the Division of Regulatory and Public Service Programs of Clemson University (Clemson PSA).

The House amended, approved, and sent the Senate **H.3134**, a bill relating to **MORTGAGE SATISFACTIONS**. This legislation provides definitions for terms related to methods of entering a satisfaction of mortgage in the public records. Also, the legislation provides a procedure and form for use in execution that simplifies the current process of entering a satisfaction of mortgage in the public records without being required to provide the original debt instrument.

The House approved and sent the Senate **H.4604**, a bill providing for an **EXEMPTION FROM ENGINEER LICENSURE REQUIREMENTS FOR PERFORMING CERTAIN MANUFACTURING COMPANY ACTIVITIES**. The legislation revises exemptions from the licensure requirement to practice engineering, so as to provide an exemption for the activities of full-time employees of a manufacturing company or other personnel under the direct supervision and control of the manufacturing company or its subsidiary, on or in connection with activities related to the research, development, design, fabrication, production, assembly, integration, installation, or service of products manufactured by the manufacturing company. This exemption does not apply to activities where the seal of a professional engineer is expressly required by statute, regulation, or building code, or to engineering services offered to the public.

The House amended, approved, and sent the Senate **H.4578**, a bill **STREAMLINING THE PLAN APPROVAL, INSPECTION, AND CERTIFICATION PROCESS FOR SINGLE FAMILY RESIDENTIAL MODULAR BUILDINGS**. The legislation makes revisions to the South Carolina Modular Buildings Construction Act to allow a third-party approved inspection agency to perform final plan review and approval, inspection, and certification of a single family residential modular building. A copy of the approved plan must be filed with the Department of Labor, Licensing and Regulation, after which time the department may issue the necessary certification labels for units manufactured to the approved plan. For commercial or multifamily modular buildings, an approved inspection agency shall perform initial plan review and approval, inspection, and certification and the plans are then submitted to the Department of Labor, Licensing and Regulation for final plan review and approval.

The House approved and sent the Senate **H.4644**, a bill **CONFORMING THE SOUTH CAROLINA REAL ESTATE APPRAISERS LICENSE AND CERTIFICATION ACT TO NEW NATIONAL UNIFORM STANDARDS** for licensing, certifying, and recertifying real estate appraisers that provide for new minimum education and experience requirements.

The House amended, approved, and sent the Senate **H.4643**, a bill relating to **PROFESSIONAL LICENSING FEES COLLECTED BY THE DEPARTMENT OF LABOR, LICENSING AND REGULATION**. The legislation repeals statutory provisions setting professional licensing fees for contractors and speech pathologists and audiologists so that these fees may be set through regulation rather than statute, as is the case with the other professional licensing fees administered by the Department of Labor, Licensing and Regulation.

Legislative Update, March 10, 2014

The House amended, approved, and sent the Senate **H.4550**, a bill that updates the **LICENSURE REQUIREMENTS FOR NURSING HOME AND COMMUNITY RESIDENTIAL CARE FACILITY (CRCF) ADMINISTRATORS**. The bill specifies that the "related health care administration" experience needed to qualify for a Nursing Home Administrator license does not include experience in an independent living community. It also allows an applicant to qualify for a Nursing Home Administrator license if he or she has a health-related associates degree from an accredited college and three years of practical experience in nursing home administration. Among other things, the bill allows an applicant who is a licensed practical nurse who has at least one year (minimum 384 hours) supervised on-site work experience with supervisory to qualify for a CRCF license. The bill also preserves the existing grandfather clause for CRCF administrators without a college degree who became licensed prior to July 1, 2000.

The House approved and sent the Senate **H.4561**, a bill authorizing the South Carolina Department of Natural Resources to enter into an **INTERSTATE BOATING VIOLATOR COMPACT** that assists law enforcement in enforcing boating laws on watercraft that cross lines of jurisdiction as they travel through the waters of this state and neighboring states.

The House amended, approved, and sent the Senate **H.4551**, a bill providing that it is **UNLAWFUL TO TAKE OR POSSESS A GREAT WHITE SHARK**. Any great white shark that is caught must be released immediately and must remain completely in the water at all times while being released.

The House amended, approved, and sent the Senate **H.4543**, a bill revising **FISHING RESTRICTIONS ON BLUE CATFISH** that alters the limitations on sizes and daily catch limits. A new daily possession limit of not more than ten blue catfish (*Ictalurus furcatus*) is established for Lake Marion, Lake Moultrie, and the upper reach of the Santee River.

The House approved and sent the Senate **H.4574**, a bill relating to **WATER TREATMENT SYSTEM OPERATOR TRAINEE REQUIREMENTS**. In an effort to address the shortage of qualified water treatment operators and water distribution system operators, the bill eliminates the requirements that a Trainee Water Treatment System Operator applicant be at least 18 years old and have completed high school or the equivalent in order to participate in the trainee program.

The House amended, approved, and sent the Senate **H.4345**, a bill revising the point system for violations relating to hunting and fishing to provide that **TRESPASSING TO HUNT OR TRAP** is a fourteen-point violation.

The House approved **S.558** and enrolled the bill for ratification. The legislation revises **RESTRICTIONS ON THE USE OF WATERCRAFT ON LAKES WILLIAM C. BOWEN AND H. TAYLOR BLALOCK** in Spartanburg County.

The House rejected **H.4731**, a bill revising provisions for **TELECOMMUNICATIONS SERVICES FOR HEARING AND SPEECH IMPAIRED PEOPLE** so that the surcharges supporting these programs would be imposed not only on traditional land line telephones, as is now the case, but also on the full array of telecommunications services offered in the contemporary market, including commercial mobile radio service (CMRS), prepaid wireless service, and Voice over Internet Protocol (VoIP) service.

# **BILLS INTRODUCED IN THE HOUSE THIS WEEK**

## **AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS**

### **H.4817 SURFACE WATER WITHDRAWERS FOR AGRICULTURAL USES**

**Rep. J. E. Smith**

This bill outlines requirements for permitting for new withdrawals and for expansion of existing registrations. The bill also changes the option of a withdrawer of surface water for agricultural uses to obtain a permit into a requirement and eliminate the right of an exempt withdrawer to register the use.

### **H.4838 UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

**Rep. Mitchell**

This Resolution recognizes and commends the outstanding achievements of the United States Environmental Protection Agency in its environmental justice programs on the occasion of the twentieth anniversary of Executive Order 12898, establishing the EPA National Environmental Justice Advisory Council and the EPA's Office of Environmental Justice.

### **H.4839 GAME ZONES Rep. Pitts**

Among many things, this bill decreases the number of game zones; revises the dates for the various small game seasons and revises the small game bag limits for the various game zones. Also, this bill repeals Section 50-11-2110, relating to Field Trials In and Permit for Game Zone Nine.

### **H.4864 LABELING AND TAGGING REQUIREMENTS FOR AGRICULTURAL, VEGETABLE, AND FLOWER SEEDS Rep. Gambrell**

The legislation revises certain labeling and tagging requirements for containers of agricultural, vegetable, and flower seeds.



**H.4866 UNDERGROUND FACILITY DAMAGE CONTROL PREVENTION ACT**

**Rep. Bedingfield**

The legislation outlines several requirements relating to notices of intent to excavate or demolish concerning a site situated in the service area of an exempted operator. The legislation also states that exempted operators may elect to not join certain associations concerning the water and sewage systems of the exempted operators.

## **EDUCATION AND PUBLIC WORKS**

**H.4831 RESCUE VEHICLE LICENSE PLATES Rep. White**

Upon application and payment of the required fee, this legislation requires the Department of Motor Vehicles (DMV) to issue a nonprofit or for profit rescue license plate to a rescue entity or business. The legislation requires the license plates to be used exclusively on rescue vehicles. The cost of each nonprofit rescue license plate is \$10, which may be retained by the Department of Motor Vehicles to defray its cost. The cost of a for profit rescue license plate is \$40, of which \$20 may be retained by the DMV to defray its cost and the remaining \$20 must be remitted to the general fund. Each license plate is valid for two years.

**H.4840 "HIGH SCHOOL EQUIVALENCY DIPLOMA ACCESSIBILITY ACT"**

**Rep. Putnam**

This legislation enacts the "High School Equivalency Diploma Accessibility Act". A stated finding of the legislation is that adopting an alternative high school equivalency test that must be offered in a paper and pen or pencil format not dependent on the availability of computer-based technology is essential to broadening the accessibility of the testing needed to earn a high school diploma to those who need it most. The legislation provides that before January 1, 2015, the State Board of Education shall select a test or test battery that eligible candidates successfully may complete as an alternative to the general education development test battery to receive a high school equivalency diploma, that an essential trait of this test or test battery must be that it only may be offered in a handwritten, paper and pen or pencil format and may not be dependent on computer technology for its administration. The legislation requires the board to authorize the administration of this test by the State Department of Education pursuant to certain regulations and policies. The legislation requires the board to issue high school equivalency diplomas to eligible candidates who complete successfully the test or test battery after January 1, 2015. Relating to powers of the State Board of Education with respect to basic adult and secondary education, this legislation makes conforming changes.

**H.4863 AGES THAT CHILDREN MUST ATTAIN TO ENTER KINDERGARTEN AND FIRST GRADE IN PUBLIC SCHOOLS Rep. King**

This legislation provides that children entering kindergarten must attain the age of five and children entering first grade must attain the age of six on or before December thirty-first of the applicable school year, in addition to certain other existing requirements.

**H.4868 "CURSIVE WRITING EDUCATION ACT" Rep. W. J. McLeod**

This legislation enacts the "Cursive Writing Education Act" so as to add cursive writing to the required subjects of instruction for second grade and third grade students in public schools beginning with the 2015-2016 school year. The legislation requires public school students to demonstrate competence in creating readable documents through legible cursive handwriting by the end of third grade. The legislation defines necessary terminology and provides that before January 1, 2015, the State Department of Education shall develop related standards and assist the school districts in identifying the most appropriate means for integrating these requirements into their existing curriculums.

**H.4869 ISSUANCE OF SPECIAL MOTOR VEHICLE LICENSE PLATES BY THE DEPARTMENT OF MOTOR VEHICLES Rep. Herbkersman**

Relating to the issuance of special motor vehicle license plates by the Department of Motor Vehicles, this legislation provides that an individual or organization that obtained approval for the issuance of a special license plate may direct the department to reissue a license plate of an active series of license plates that has been returned to the department to a person of its choice. This provision applies only to the first two hundred license plates of an active series of license plates returned to the department.

## JUDICIARY

**S.440 JUVENILES IN RESTRAINT DURING COURT PROCEEDINGS Sen. Fair**

When a juvenile appears before the court wearing instruments of restraint, such as handcuffs, chains, irons, or straightjackets, this bill provides that the court in any proceeding may not continue with the juvenile required to wear instruments of restraint unless the court first finds that: (1) the use of restraints is necessary due to certain factors and (2) there are no less restrictive alternatives to restraints that will prevent flight or physical harm to the child or another person including, but not limited to, court personnel, law enforcement officers, or bailiffs. The legislation requires the court to provide the juvenile's attorney an opportunity to be heard before the court orders the use of restraints. If restraints are ordered, the court shall make findings of fact in support of the order.

**S.611 NATIVE AMERICAN INDIAN GROUPS Sen. Rankin**

This legislation requires the Commission for Minority Affairs to eliminate eligibility for a Native American Indian Group to receive official recognized status in this state, and it further requires the commission to revise its regulations so as to delete any procedures for recognizing a Native American Indian Group. Any Native American Indian Group that on the effective date of this legislation has been recognized by the commission through its regulatory process remains and continues to be recognized as a Native American Indian Group and eligible to exercise the privileges and obligations authorized by that designation.

**S.687 "SOUTH CAROLINA BLIND PERSON'S RIGHT TO PARENT ACT" Sen. L. Martin**

This legislation provides in making decisions on guardianship, custody, or visitation where a party to the action is blind, the court may not deny the party guardianship,

custody, or visitation of a child solely because the party is blind. The blindness of a party only may be used to determine whether or not granting guardianship, custody, or visitation to the party would be in the best interest of the child. When the Department of Social Services, a guardian, or a child placing agency considers an adoption petition, the legislation provides that the department, guardian, or child placing agency may not deny the petition solely because the petitioner is blind. In making a determination of adoption when the petitioner is blind, the legislation provides that the court may not deny the petition solely because the petitioner is blind. The blindness of the petitioner only may be used to determine whether or not granting the adoption would be in the best interest of the child. The legislation further requires the Department of Social Services to promulgate regulations prohibiting a local department from removing a child from a home and placing the child in foster care solely because the child's parent or guardian is blind.

**S.748 IMMUNITY FROM LIABILITY FOR PROVIDING FREE HEALTH CARE SERVICES**  
**Sen. Cleary**

If a health care provider, licensed pursuant to the laws of this state, informs his patient in writing, which may include use of an electronic medical record device, before treatment that the treatment to be rendered by the health care provider will be provided free of charge, this legislation provides that the services rendered are deemed to be within the scope of the Good Samaritan statute. This legislation amends the current provision providing that volunteer health providers are not subject to civil damages by requiring the agreement to provide a voluntary, noncompensated service in the case of a nonemergency to be in writing, which may include use of an electronic medical record device. Additionally, the legislation reentitles Chapter 30, Title 44 as "Health Care Professionals" as well as designates Sections 44-30-10 through 44-30-90 as Article 1, Chapter 30, Title 44, entitled "Health Care Professional Compliance Act."

**S.764 VULNERABLE ADULT GUARDIAN AD LITEM PROGRAM**  
**Sen. Alexander**

This legislation creates the Vulnerable Adult Guardian Ad Litem Program in the Office on Aging to serve as a statewide system to recruit, train, and supervise volunteers to serve as court appointed guardians ad litem for vulnerable adults in abuse, neglect, and exploitation proceedings within family court. A guardian ad litem is charged in general with representing the vulnerable adult's best interests. The legislation provides the duties and responsibilities of a guardian ad litem. A guardian ad litem may be a layperson or an attorney; the legislation provides qualifications to become a guardian ad litem. The legislation authorizes the Vulnerable Adult Guardian Ad Litem Program to intervene in proceedings to petition for removal of a guardian ad litem under certain conditions, and it requires information, reports, and records to be made available to guardians ad litem by state and federal agencies, medical and dental practitioners, and financial institutions. The legislation provides that reports and information collected and maintained by the program are confidential, and it provides for civil immunity for guardians ad litem when acting in good faith and in the absence of gross negligence. The legislation also provides that a party may move to have the guardian ad litem relieved of his or her services if the party demonstrates that the vulnerable adult has the capacity to assist counsel in the protective services case.

**S.872 JOINT CITIZENS AND LEGISLATIVE COMMITTEE ON CHILDREN**  
**Sen. Fair**

This legislation makes revisions relating to the Joint Citizens and Legislative Committee on Children by deleting certain obsolete provisions.

**H.4818 UNLAWFUL ENTRY OR FAILURE TO LEAVE A PUBLIC LIBRARY**

**Rep. J. E. Smith**

This legislation provides that a person who, without legal cause or good excuse, enters a public library after having been warned by an employee, agent, or representative of the library not to do so or without having been warned, fails and refuses, without good cause or good excuse, to leave immediately upon being ordered or requested to do so by an employee, agent, or representative of the library is guilty of a misdemeanor and, upon conviction, must be fined not more than \$200 or be imprisoned not more than thirty days. A violation of the provisions of this section is triable in the appropriate municipal or magistrates court with jurisdiction over the offense. Any law enforcement officer of this state or a subdivision of this state may enforce these provisions section within their respective jurisdictions. The legislation provides that these provisions must be construed as in addition to, and not as superseding, another statute relating to trespass or unlawful entry on lands of another.

**H.4832 RESIDENTIAL LANDLORD AND TENANT ACT REVISION**

**Rep. Norrell**

Relating to the termination of an unexpired rental agreement for abandoned property upon rental to a new tenant under the Residential Landlord and Tenant Act, this legislation revises and corrects cross-references to available remedies.

**H.4842 UNLAWFUL DISSEMINATION OF SEXUALLY EXPLICIT MATERIALS WITH INTENT TO CAUSE SUBSTANTIAL EMOTIONAL DISTRESS**

**Rep. Norrell**

This legislation provides that it is unlawful for a person, with the intent to cause emotional distress or embarrassment to the depicted person and absent a clear public purpose, to disseminate or sell any picture, drawing, video recording, film, digital electronic file, or other visual depiction or representation of these created by any means, or any reproduction of a picture, drawing, video recording, film, digital electronic file, or other visual depiction or representation of these that depicts another person in a state of sexually explicit nudity when the: (1) person knows or has reason to know that he is not licensed or privileged to disseminate or sell the picture, drawing, video recording, film, digital electronic file, or other visual depiction or representation of these; and (2) depicted person suffers emotional distress or embarrassment. The legislation further provides that a person who violates these provisions is guilty of a misdemeanor and, upon conviction, must be fined not more than \$1,000 or imprisoned for not more than one year.

**H.4845 INCREASED PENALTIES FOR FELONY DRIVING UNDER THE INFLUENCE**

**Rep. Daning**

This legislation increases the fines and both minimum and maximum imprisonment requirements for the offense of felony driving under the influence.

**H.4850 "RIGHTS OF THE REGULATED ACT"**

**Rep. K. R. Crawford**

This legislation enacts the "Rights of the Regulated Act" to provide requirements for state agencies when inspecting or investigating regulated people or facilities. The stated purposes of this legislation are to require each department and agency of the state that regulates individuals or enterprises to do the following when exercising this responsibility

and privilege: (1) exercise its authority to inspect facilities and people regulated by the law of this state in a manner that demonstrates the highest level of respect for the dignity and rights of the regulated party being inspected and with minimal interference with the economic and professional endeavors being regulated; (2) conscientiously conduct investigations as efficiently, unobtrusively, and discretely as reasonably possible; and (3) affirmatively and diligently communicate information concerning investigations to regulated parties in a timely manner, and to respond to requests for this information from regulated parties promptly, thoroughly, and in easily understandable terms.

**H.4858 ADDITIONAL SURCHARGE FOR CERTAIN TRAFFIC OFFENSES**

**Rep. Goldfinch**

This legislation imposes an additional surcharge of \$250 on convictions of traffic offenses assigned six points and specific other offenses arising out of the operation of a motor vehicle while under the influence or otherwise impaired and driving with a suspended driver's license. The legislation requires the surcharge imposed to be collected by the magistrates court, municipal, or the clerk of the court of general sessions, forwarded to the municipal or county treasurer, as applicable, and remitted by the municipal treasurer and county treasurer to the State Treasurer monthly by the fifteenth day of each month. The legislation further requires the State Treasurer to credit these surcharges to the State Non-Federal Aid Highway Fund.

**H.4859 "MILITARY FAMILY QUALITY OF LIFE ENHANCEMENT ACT OF 2014" Rep. Limehouse**

This legislation enacts the "Military Family Quality of Life Enhancement Act of 2014". This legislation prohibits predatory lending practices with respect to members of the armed forces by making violations of a related federal law also a violation of the laws of this state and subject to oversight by the Department of Consumer Affairs. The legislation provides that military families may enroll in a Medicaid Home and Community-Based Waiver Program in this state if South Carolina is their state of legal residence, and it allows them to maintain enrollment if the family is stationed outside of South Carolina. The legislation creates the Military-Connected Children's Welfare Task Force to identify issues related to military-connected children and opening communication between child welfare agencies of this state and local military installations. The legislation creates a Veterans Treatment Court Program to divert qualifying nonviolent military veteran offenders away from the criminal justice system and into appropriate treatment programs, thereby reserving prison space for violent criminals and others for whom incarceration is the only reasonable alternative. Relating to the development of comprehensive annual report cards and academic performance ratings, this legislation directs the Education Oversight Committee, working with the State Board of Education, to establish a certain comprehensive annual report concerning the performance of military-connected children who attend primary, elementary, middle, and high schools in this state. Relating to tuition rates for military personnel and their dependents, the legislation revises requirements to provide a veteran 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 one year of physical presence in this state. Relating to persons qualified to vote by absentee ballot, this legislation provides that members of the armed services, their spouses, and their dependents must be permitted to vote by absentee ballot in all elections, regardless of whether they are absent from their county of residence on election day.

**H.4865 FAMILY COURT HAS DISCRETION TO DETERMINE WHETHER A JUVENILE IS PLACED ON THE SEX OFFENDER REGISTRY**

**Rep. Brannon**

This legislation provides the family court with the discretion to determine whether a juvenile is placed on the sex offender registry.

**H.4870 PROHIBITION ON KNOWINGLY OBTAINING OR USING PERSONAL INFORMATION OBTAINED FROM GOVERNMENT ENTITY FOR COMMERCIAL SOLICITATION** Rep. McCoy

Current law provides a prohibition on knowingly obtaining or using personal information obtained from a state agency for commercial solicitation by a private person or private entity. This legislation extends application of this prohibition and related requirements to information obtained from local governments and other political subdivisions.

**H.4872 "SOUTH CAROLINA MEDICAL MARIJUANA ACT" Rep. Neal**

This legislation enacts the "South Carolina Medical Marijuana Act" so as to authorize the medical use of marijuana by certain individuals and for certain diseases and medical conditions. The legislation authorizes physicians licensed in good standing in the state to recommend the medical use of marijuana under certain conditions. The legislation authorizes certain individuals to act as caregivers for patients to assist in the medical use of marijuana under limited circumstances. The legislation creates a confidential registry through which to issue identification cards to registered patients and registered caregivers authorized to engage in the medical use of marijuana. The legislation provides certain defenses and other protections to registered patients, registered caregivers, and physicians from criminal prosecution and sanctions and professional discipline for conduct authorized. The legislation provides for the operation of dispensaries to cultivate, grow, and dispense marijuana for medical use. Under this legislation, a dispensary certificate is valid for three years. The legislation provides certain defenses and protections to dispensaries for conduct authorized. The legislation allows establishment of fees. The legislation creates criminal penalties for violations as well as provides for the development of forms, processes, and regulations to implement the legislation. The legislation repeals the "South Carolina Controlled Substances Therapeutic Research Act of 1980".

**H.4879 "SOUTH CAROLINA MEDICAL MARIJUANA ACT" Rep. Rutherford**

This legislation enacts the "South Carolina Medical Marijuana Act" so as to authorize the medical use of marijuana by certain individuals and for certain diseases and medical conditions. The legislation authorizes physicians licensed in good standing in the state to recommend the medical use of marijuana under certain conditions and authorizes certain individuals to act as caregivers for patients to assist in the medical use of marijuana under limited circumstances. The legislation creates a confidential registry through which to issue identification cards to registered patients and registered caregivers authorized to engage in the medical use of marijuana. The legislation provides certain defenses and other protections to registered patients, registered caregivers, and physicians from criminal prosecution and sanctions and professional discipline for conduct authorized. The legislation provides for the operation of dispensaries to cultivate, grow, and dispense marijuana for medical use. Under this legislation, a dispensary certificate is valid for two years. The legislation provides certain defenses and protections to dispensaries for conduct authorized. The legislation allows establishment of certain fees. The legislation creates criminal penalties as well as

provides for the development of forms, processes, and regulations to implement the legislation. The legislation repeals the "South Carolina Controlled Substances Therapeutic Research Act of 1980".

**H.4880 PROHIBITION ON CERTAIN GOVERNMENTAL ACTIONS RELATING TO FIREARMS AND AMMUNITION DURING A STATE OF EMERGENCY** Rep. Riley

This legislation provides that during a state of emergency, no person acting on behalf or under the authority of the state or a political subdivision of the state may prohibit certain actions relating to firearms and ammunition or confiscate or seize firearms and ammunition. The legislation provides certain exceptions as well as provides remedies for violations.

## **LABOR, COMMERCE AND INDUSTRY**

**S.826 DRUG AND ALCOHOL TESTING PROCEDURES CONCERNING MERIT RATING FOR WORKER'S COMPENSATION** Sen. Rankin

This bill revises provisions for random drug and alcohol testing procedures concerning merit rating for worker's compensation to provide that, if a second test is administered, the testing procedure may allow for a single sample to be split for use in the first and second tests.

## **MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS**

**S.275 TEMPORARY TRANSFER OR ASSIGNMENT OF A MUNICIPAL OR COUNTY LAW ENFORCEMENT OFFICER TO A MULTI-JURISDICTIONAL TASK FORCE** Sen. L. Martin

This bill deletes the provision that requires a county or municipality that sends an officer to another county or municipality to be reimbursed for services by the county or municipality to which the officer is transferred or assigned. Also the bill provides that the governing bodies affected by this provision must be notified by their law enforcement divisions of any multijurisdictional task force agreement execution and termination.

**S.983 ENDOMETRIOSIS AWARENESS MONTH** Sen. Hutto

Every year the month of March is designated as Endometriosis Awareness Month. As a result, South Carolinians are encouraged to sponsor and participate in relevant educational activities and events in the observance of Endometriosis Awareness Month.

## **WAYS AND MEANS**

**H.4828 ADMINISTRATIVE LAW JUDGES INCLUDED IN RETIREMENT**

**SYSTEM FOR JUDGES Rep. Pitts**

This bill authorizes the inclusion of administrative law judges in the State's Retirement System for Judges by providing that all administrative law judges on July 1, 2014, who have not retired may elect to become a member of the system and transfer prior service into the system.

**H.4829 SALE OF FORMER PORT PROPERTY AT PORT ROYAL Rep.**

**Erickson**

This bill directs the State Ports Authority to sell the property formerly used as a port at Port Royal as soon as practicable on or before June 30, 2015. If the property is not sold by this deadline, the authority must transfer the property to the General Services Division of the Department of Administration to be sold at auction. The property may be auctioned in parcels, or in whole, whichever is most commercially reasonable considering the type and location of the property. The sales price at auction is deemed to be the fair market value of the property and thus satisfies the State Ports Authority Board's fiduciary duties to the authority and the authority's bondholders.

**H.4875 "SOUTH CAROLINA ECONOMIC DEVELOPMENT TAX INCENTIVE EVALUATION ACT OF 2014" Rep. Funderburk**

This bill enacts the "South Carolina Economic Development Tax Incentive Evaluation Act of 2014" to require the Department of Revenue to complete a study every four years to assess the impact, including both the economic benefits and the financial cost, of economic development tax incentives.



---

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

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