



South Carolina House of Representatives

Legislative Update

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

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HOUSE WEEK IN REVIEW

The House of Representatives approved **S.764** and enrolled the bill for ratification. This legislation **CREATES THE VULNERABLE ADULT GUARDIAN AD LITEM PROGRAM IN THE OFFICE ON AGING** within the Lieutenant Governor's Office 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 services if the party demonstrates that the vulnerable adult has the capacity to assist counsel in the protective services case.

The House concurred in Senate amendments to **H.3098**, relating to **LONG-TERM CARE FACILITY RESIDENTS**, and enrolled the bill for ratification. The legislation provides that if the residential care resident or the resident's representative chooses to voluntarily relocate from the resident's current facility, the resident or the resident's representative must give written notice of intent to relocate not less than fourteen days before the resident's relocation becomes effective. Voluntary relocation does not occur when a resident of a community residential care facility seeks to be discharged because a higher level of care is required or because the resident's health, safety, or welfare is endangered. If the timely notice is not given, the resident may be charged the equivalent of fourteen days occupancy. If the facility is able to fill the bed vacated by the resident, the facility shall cease charging the resident regardless of the notice given and shall notify the previous resident in writing as soon as it fills the bed with a new resident. Residents participating in the Optional State Supplementation Program are excluded from these requirements.

The House approved **S.900** and enrolled the legislation for ratification. This joint resolution creates a temporary legislative "**STUDY COMMITTEE ON EXPUNGEMENT OF CRIMINAL OFFENSES**" to review the state's criminal laws for the purpose of determining criminal offenses which may be appropriate for expungement after a certain time period and under certain circumstances and to make recommendations to the General Assembly. The study committee's report is due by October 13, 2014, at which time the committee is set to dissolve.

The House approved **S.1136**, a bill **DESIGNATING BARBECUE AS THE OFFICIAL STATE PICNIC CUISINE** of South Carolina, and enrolled the legislation for ratification.

The House approved **S.983** and enrolled the bill for ratification. The legislation designates the month of March in every year as "**ENDOMETRIOSIS AWARENESS MONTH**".

The House approved **S.997**, a bill **UPDATING THE SOUTH CAROLINA SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY PRACTICE ACT** statutes to comply with national licensing standards approved by the American Speech-Language Hearing Association (ASHA), and enrolled the legislation for ratification.

The House approved **S.817** and enrolled the bill for ratification. The legislation provides for **BACKGROUND CHECKS FOR VOLUNTEERS AND CERTAIN POSITIONS AFFILIATED WITH THE SOUTH CAROLINA COMMISSION ON NATIONAL AND COMMUNITY SERVICE**. Both state and national criminal history background checks are required, unless the commission determines that the background check requirement for a person has been satisfied through another process. Also, the legislation requires the commission to pay for the backgrounds checks.

The House approved **S.913** and enrolled the bill for ratification. The legislation establishes a state permitting process for engaging in **FALCONRY**, the hunting of wild quarry in its natural state and habitat by means of a trained bird of prey or raptor (Order Falconiformes or Order Strigiformes other than a bald eagle). Since the federal government has returned oversight of falconry to the states, this legislation establishes state-level provisions to allow falconry to continue to be conducted lawfully in South Carolina. A person holding a valid federal falconry permit on January 1, 2014, may engage in falconry without a South Carolina falconer's permit until the federal permit expires.

The House approved **S.1177**, regarding **PROHIBITED ACTIVITIES ON STATE LAKES AND PONDS OWNED OR LEASED BY THE DEPARTMENT OF NATURAL RESOURCES AND DEPARTMENT-OWNED HERITAGE PRESERVES**, and enrolled the bill for ratification. The legislation provides that activities prohibited in wildlife management areas are also prohibited on state lakes and ponds owned or leased by the Department of Natural Resources and in department-owned heritage preserves. The legislation eliminates provisions under which the Department of Natural Resources exercises management authority over the lakes and ponds that it owns or leases by establishing terms and conditions for their use by the public through regulations promulgated under the Administrative Procedures Act. The legislation makes revisions to prohibited activities.

The House approved **S.1178**, relating to the **REVOCAION OF A HUNTER'S PRIVILEGE TO PARTICIPATE IN A WILDLIFE MANAGEMENT AREA LOTTERY HUNT**, and enrolled the bill for ratification. The legislation provides that a hunter's privilege to participate in a lottery hunt may be revoked for the remainder of the hunt if a Department of Natural Resources officer witnesses or has probable cause to believe that a violation has occurred. The bill further provides for remedies (participation in the next lottery hunt of the type for which the privilege was revoked or the reinstatement of preference points) if the hunter is not convicted of violations arising from the lottery hunt.

The House amended Senate amendments to **H.3512**, a bill that makes **REVISIONS TO THE ALCOHOLIC BEVERAGE CONTROL ACT**, and returned the legislation to the Senate. The House and Senate subsequently appointed a conference committee to

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address the legislative bodies' differences on the bill. The legislation allows a retail dealer to offer discounts at the register through the use of premiums, coupons, or stamps, so long as the cost related to the discount is provided only by the retail dealer and is not prohibited by federal law; currently such discounts may only be redeemed by mail. The legislation provides additional limitations on certain retail dealer to retail dealer transactions and strengthens penalties for certain repeated violations. The legislation provides that the Department of Revenue must not issue or renew a retail dealer's license until the applicant has certified that the applicant has not purchased and will not purchase alcoholic liquors from another person who does not hold a wholesaler's license; further, the legislation requires notice of this provision through placement of sign on a retail dealer's premises. The legislation eliminates a thirty day minimum residency requirement for issuance of licenses and permits. The legislation includes more expansive provisions for beer produced and sold by brewpubs. The legislation removes the statutory prohibition on selling alcoholic liquors on statewide election days, and provides that it is unlawful for retail liquor stores to sell alcoholic liquors on Christmas Day.

The House returned **S.1035** to the Senate with amendments. The legislation addresses **ACCESS TO CANNABIDIOL, A SUBSTANCE DERIVED FROM MARIJUANA, FOR TREATMENT OF SEVERE FORMS OF EPILEPSY**. The legislation enacts "**JULIAN'S LAW**" to provide authorization for the state's academic medical centers to conduct expanded access clinical trials approved by the federal Food and Drug Administration (FDA) to investigate the value of cannabidiol as a treatment for patients suffering from severe forms of epilepsy that are not adequately treated by traditional medical therapies. The legislation establishes certain exemptions for cannabidiol under the definition of "marijuana" in the state laws governing narcotics and controlled substances. An exemption for cannabidiol is established that applies to a person, or the persons' parents, legal guardians, or other caretakers, who has received a written certification from a South Carolina-licensed physician that the person has been medically diagnosed as having Lennox-Gastaut Syndrome, Dravet Syndrome, also known as 'severe myoclonic epilepsy of infancy', or any other severe form of epilepsy that is not adequately treated by traditional medical therapies. A physician is not subject to detrimental action, including arrest, prosecution, penalty, denial of a right or privilege, civil penalty, or disciplinary action by a professional licensing board, for providing this written certification for the medical use of cannabidiol to a patient. The legislation also creates a temporary study committee whose purpose is to develop a plan for the sale and use of medical marijuana in South Carolina should the federal Drug Enforcement Administration declassify or reclassify marijuana as a controlled substance. A report with findings and recommendations must be presented the House of Representatives and the Senate by March 15, 2015, at which time the study committee is set to dissolve.

The House returned **S.1071** to the Senate with amendments. The legislation provides for **GAME ZONE CONSOLIDATION** which reduces the state's current six game zones into four larger game zones in order to bring greater standardization and simplification to the laws governing the hunting of wild game in South Carolina. The legislation provides for the merger of the current Game Zone 6 into Game Zone 3 and the current Game Zone 5 into Game Zone 4 and makes various adjustments to hunting limitations.

The House approved and sent the Senate **H.4579**, a bill relating to the **CLARIFICATION OF COUNTY BOUNDARIES**. The legislation provides authorization for the South Carolina Geodetic Survey (SCGS) to assist counties in clarifying ill-defined boundaries.

The House returned **S.1089** to the Senate with amendments. The legislation establishes deadlines and conditions for an expedited **SALE OF THE FORMER PORT PROPERTY AT PORT ROYAL** in Beaufort County.

The House approved and sent the Senate **H.5225**, a bill establishing the **WEST FLORENCE FIRE DISTRICT** as a joint county fire district to be composed of areas in Florence and Darlington Counties.

The House amended and gave second reading approval to **S.986**, a bill **ENHANCING PENALTIES FOR HUNTING, FISHING, OR TRAPPING, WITHOUT A LANDOWNER'S CONSENT**. 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 bill also includes the "**LIMITATION ON LIABILITY OF LAND POSSESSORS TO TRESPASSERS TRESPASSER RESPONSIBILITY ACT**". This legislation codifies common law provisions relating to trespassers under which a possessor of land owes no duty to a trespasser except to refrain from causing a wilful or wanton injury. The legislation includes certain protections that relate only to child trespassers. The legislation does not affect any immunities from or defenses to civil liability established by another section of the South Carolina Code of Laws or available at common law to which a possessor of land may be entitled.

The House gave second reading approval to **S.839**, a bill providing authorization for **INDUSTRIAL HEMP** to be grown in South Carolina. With the inclusion of hemp in the recently enacted federal farm bill, several states have enacted legislation authorizing the cultivation of this fiber and oilseed crop that has a wide variety of uses, including twine, rope, paper, construction materials, carpeting, and clothing, has applications in manufacturing industrial oils, cosmetics, medicines, and food, and has the potential for use as a cellulosic ethanol biofuel. The legislation distinguishes hemp grown for scientific, economic, and environmental uses from the narcotic marijuana, a genetically different cultivar of the same plant species, and provides authorization for cultivating industrial hemp in this State to be used for any lawful purpose. Industrial hemp is excluded from the state's statutory definition of marijuana. Criminal penalties are established to address the cultivation of industrial hemp as a means of disguising marijuana production or distribution operations. A violation is a misdemeanor that carries a term of imprisonment for up to three years and/or a fine of up to three thousand dollars.

HOUSE COMMITTEE ACTION

EDUCATION AND PUBLIC WORKS

The full Education and Public Works Committee met on Tuesday, May 13, and reported out three bills.

S.459, legislation which establishes a **PROHIBITION ON TEXTING WHILE DRIVING**, received a favorable with amendment report from the full committee. 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 \$25, no part of which may be suspended. A violator must not be fined more than \$50 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 the State Law Enforcement Division 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 180 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.

S.160, legislation requiring **CARDIOPULMONARY RESUSCITATION (CPR) AND AUTOMATED EXTERNAL DEFIBRILLATOR (AED) INSTRUCTION DURING HIGH SCHOOL**, received a favorable with amendment recommendation from the full committee. Beginning with the 2015-2016 school year, this legislation requires at least one time during the four years of grades nine through twelve each student receive instruction in cardiopulmonary resuscitation (CPR), which must include, but not be limited to, hands-only CPR and the use of an automated external defibrillator (AED). The legislation includes requirements for the program. It is the stated desire of the General Assembly that local school districts coordinate with entities that have the experience and necessary equipment for the instruction of CPR and the use of AEDs so the districts will not have to purchase CPR or AED training devices. Local school districts that are unable to coordinate with other entities to use training devices may request a waiver from the State Board of Education to be exempt from having to instruct with hands-only CPR mannequins and AEDs for 90 days from receipt of notification of the waiver. A school district must adopt a policy providing a waiver for this requirement for students absent on the day of instruction, students with certain disabilities, and students whose parent or guardian completes, in writing, a form approved by the school district opting-out of hands-only CPR and AED instruction. The State Board of Education shall incorporate CPR and AED instruction into the South Carolina Health and

Safety Education Curriculum Standards and promulgate regulations to implement these provisions.

The full committee gave a favorable with amendment report to **S.516**. This legislation enacts the "**SOUTH CAROLINA READ TO SUCCEED ACT**," which establishes a comprehensive K-12 initiative for promoting reading and writing proficiency in order to ensure that the state's public school students are reading at grade level or better. 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 districts to create family school community partnerships that focus on increasing the volume of reading. The legislation requires the State Superintendent of Education to ensure that every student entering the public schools for the first time in prekindergarten and kindergarten to be administered a readiness assessment by the forty-fifth day of the school year. Assessment results must be reported to the state office and these results along with developmental intervention strategies recommended to address the child's identified needs must be provided, in writing, to the parent or guardian. Early grade students 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 allows students eligible for retention to enroll in a summer reading camp prior to being retained the following school year. If a student is not demonstrating third-grade reading proficiency by the end of the second grading period of the third grade, the parent or guardian must be provided timely written notification of the consideration of retention. The parent or guardian may designate another person as an education advocate to act on their behalf to receive notification. The parent or guardian of a retained student must be offered supplemental tutoring for the retained student in evidenced-based services outside the instructional day. For students in grades four and above who are not demonstrating reading proficiency, the legislation allows for interventions to be provided in the classroom and supplementally by teachers with special training in literacy or reading coaches. Supplemental support will be provided during the school day and, as appropriate, before or after school in book clubs or through a summer reading camp. School districts are subject to reporting requirements. The legislation revises professional development provisions and certification requirements for teachers and administrators to include a new emphasis on effective instruction in reading. The legislation requires specialized training and certification for reading coaches and others who are responsible for providing reading instruction or intervention. This legislation provides for the South Carolina Child Early Reading Development and Education Program which is a full day, four year old kindergarten program for at-risk children which must be made available to qualified child in all public school districts. The legislation provides for priority to certain plaintiff districts in the education equity lawsuit, Abbeville County School District et. al. vs. South Carolina, and with any funds remaining expands the program statewide. Note by budget proviso, the General Assembly established a pilot program that began during the 2006-2007 school year for at-risk four year old children in the plaintiff districts.

JUDICIARY

The full Judiciary Committee met on Tuesday, May 13, and reported out several bills.

S.687, which enacts the "**SOUTH CAROLINA BLIND PERSON'S RIGHT TO PARENT ACT**," received a favorable report from the full Judiciary Committee. 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.

The full committee gave a favorable with amendment recommendation to **S.872**, legislation relating to the **JOINT CITIZENS AND LEGISLATIVE COMMITTEE ON CHILDREN**. Currently, the committee terminates December 31, 2015, unless there is a legislative extension. Along with certain technical revisions, this legislation provides that the committee terminates effective December 31, 2023, unless the General Assembly reauthorizes its continued existence beyond that date by legislation.

S.446, which provides for **RATIFICATION OF CONSTITUTIONAL AMENDMENT ALLOWING THE JOINT ELECTION OF THE GOVERNOR AND THE LIEUTENANT GOVERNOR**, received a favorable report. Having been submitted to the qualified electors at the General Election of 2012 and having received a favorable vote, this legislation ratifies a constitutional amendment allowing the joint election of the Governor and the Lieutenant Governor beginning with the General Election of 2018. Under this amendment to the South Carolina Constitution, a gubernatorial candidate selects a running mate to fill the position of Lieutenant Governor in a manner similar to the election of the President and Vice President at the national level. The General Assembly shall provide by law the manner in which a candidate for Lieutenant Governor is selected. The legislation also revises the role that the Lieutenant Governor plays under the state's constitution by eliminating the office's legislative duties and revising the manner in which vacancies in the office of Lieutenant Governor are to be filled. The legislation eliminates the Lieutenant Governor's authority to serve as President of the Senate and cast tie-breaking votes in that body. Instead, the Senate, every four years, elects from among its members a President to preside over the Senate and perform other duties as provided by law. The legislation eliminates the constitutional role of the President Pro Tempore of the Senate, who is currently called upon to fill a vacancy in the office of Lieutenant Governor. In the case of the removal of the Lieutenant Governor from office by impeachment, death, resignation, disqualification, disability, or removal from the State, the legislation provides that the Governor would appoint, with the advice and consent of the Senate, a successor to fulfill the unexpired term.

S.813, legislation pertaining to **UNLAWFUL ENTRY OR FAILURE TO LEAVE A PUBLIC LIBRARY**, received a favorable recommendation from the Judiciary Committee. This legislation provides that a person who enters a public library, without legal cause or good excuse, after having been warned by the library director, the branch manager, or the acting branch manager of the library in consultation with the library director is guilty of a misdemeanor. A copy of the warning must be given to the person in writing and in the presence of a law enforcement officer and, among other things, include the procedure by which the person may appeal the warning to the library board of trustees. The legislation further provides that a person who fails and refuses to leave the library immediately, without good cause, upon being ordered or requested to do so by law enforcement, the library director, the branch manager, or the acting manager of the library in consultation with the library director is guilty of a misdemeanor. A previous written warning is not required to enforce this provision. A violation of these provisions 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 within their respective jurisdictions. 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.

The full committee gave a favorable with amendment recommendation to **S.176**. This legislation increases the **TIME PERIOD IN WHICH A MOTION FOR A NEW TRIAL MAY BE MADE IN MAGISTRATES COURT** from five to 30 days.

S.561 received a favorable recommendation from the full committee. This legislation relates to the **PURCHASING, SELLING, AND TRANSPORTING OF NONFERROUS METALS**. It defines the term "coil" to mean a copper, aluminum, or aluminum-copper condensing coil or evaporation coil. The term includes but is not limited to, coil from a commercial or residential heating or air-conditioning system; the term does not include coil from a window air-conditioning system, if the coil is contained within the system, or coil from an automobile condenser. The legislation prohibits secondary metals recyclers from purchasing or otherwise acquiring a coil unless the seller is an exempted entity or the seller presents a bill of sale from a licensed company indicating that the seller acquired the coil as a result of a unit replacement or repair. Presenting a falsified bill of sale is a misdemeanor. The legislation prohibits a secondary metals recycler from entering into a cash transaction in payment for copper, catalytic converters, and beer kegs that totals \$25 or more, and the legislation limits a secondary metals recycler from entering into more than one cash transaction per day per seller. Current law prohibits cash transactions of any amount for copper, catalytic converters and beer kegs. Further, this legislation adds licensed real estate brokers and property managers to the list of individuals authorized to sell to a secondary metals recycler.

The full Judiciary Committee gave a favorable with amendment report to **S.495**, legislation which relates to **CRIMINAL RECORD SEARCHES FOR CHARITABLE ORGANIZATIONS**. The legislation clarifies the definition of charitable organizations which pay a reduced fee includes local park and recreation volunteers through a commission, municipality, county, or the South Carolina Department of Parks, Recreation and Tourism. The legislation further provides that an organization that is authorized to receive the reduced fee shall not charge the volunteer, mentor, member, or employee more than \$8 or any additional fee that is not required by the State Law Enforcement Division. The legislation requires all criminal record searches conducted

for charitable organizations to be for a volunteer, mentor, member, or employee performing in an official capacity of the organization and prohibits them from being resold.

S.495 includes a **PROHIBITION ON OBTAINING OR USING PERSONAL INFORMATION OBTAINED FROM A LOCAL AGENCY FOR COMMERCIAL SOLICITATION**. Current provisions in law prohibit obtaining or using personal information obtained from a state agency for commercial solicitation; this legislation extends the prohibition to include local agencies.

Additionally, **S.495** includes provisions relating to **WEBSITE PUBLICATION OF ARREST AND BOOKING RECORDS**. This legislation provides that a person or entity who publishes on the person or entity's website the arrest and booking records, including mug shots, of a person who is arrested and booked in South Carolina is deemed to be transacting business in South Carolina. The legislation provides a procedure for removal of the information from the website for persons found not guilty or had proceedings dismissed. Within 30 days of the sending of a written request by a person found not guilty of a charge or had proceedings dismissed, a person or entity shall, without fee or compensation, remove from the person or entity's website any arrest and booking records, including mug shots, of the person found not guilty or had proceedings dismissed. The legislation provides various requirements pertaining to the written request. However, if the original charge against the person is discharged or dismissed as a result of pleading to a lesser offense, the person or entity who publishes the website is not required to remove the records; however, the person or entity shall change any published information to reflect the lesser offense instead of the original charge. A person or entity who publishes a website and violates these provisions is guilty of a misdemeanor. The legislation allows a person found not guilty of a charge or had proceedings dismissed to file a civil cause of action against a person or entity who publishes a website and violates these provisions.

S.343 received a favorable recommendation from the full Judiciary Committee. This legislation **MODERNIZES PROVISIONS RELATING TO THE UNIFORM COMMERCIAL CODE**; notably, it provides for the use of electronic documents.

The committee gave a favorable report to **S.840**, which pertains to **PRESCRIPTION MONITORING**. 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.

S.779, legislation which provides that **CERTAIN SOCIAL CARD AND DICE GAMES ARE NOT UNLAWFUL**, received a favorable recommendation from the full committee. Notwithstanding any other provision of law to the contrary, this legislation provides that it is not unlawful for persons who are members of a club or other social organization to gather for the purpose of engaging in games of tiles, cards, or dice, including, but not

limited to, canasta, mahjong, and bridge, where the games are played among members in a private residence, home, or community clubhouse or similar structure. The legislation provides that no mechanical or electronic devices or machines of any kind, slot machines, pull tabs, punch boards, pull boards, or video games, devices, or machines of any kind may be used or incorporated in any way. The legislation provides that no person or entity of any kind may receive any direct or indirect economic, financial, or monetary benefit of any kind; the host of the game or owner or lessee of the location in which the games are played may not receive any direct or indirect economic, financial, or monetary benefit of any kind. The legislation prohibits betting, wagering, or gambling of any kind. The legislation requires a bona fide social relationship among the participants to exist; and, except for the advantage of skill or luck, the risks of losing or winning are the same for all parties.

S.1007, legislation which provides for an **EXPEDITED MORTGAGE FORECLOSURE PROCESS FOR ABANDONED PROPERTY**, received a favorable report from the full Judiciary Committee. This legislation provides a process whereby a mortgagee or successor in interest to a mortgagee may move the court for an expedited judgment of foreclosure and sale of real property that is considered abandoned. The legislation defines the term "abandoned property"; however, generally speaking, the term includes property that is not occupied and meets certain conditions or vacant and unimproved property in need of maintenance, repair or securing.

The full Judiciary Committee gave a favorable recommendation to **S.1076**, legislation which pertains to **RETIRED LAW ENFORCEMENT OFFICERS**. This legislation relates to identification cards issued to and qualification of retired law enforcement officers to carry firearms. The legislation revises the definition of the term "qualified retirement law enforcement officer" to make it consistent with federal law; the legislation removes the requirement that an officer be a certified law enforcement officer in South Carolina in order to receive the required identification. Current law allows for a reasonable fee for issuing an identification card; this legislation removes references to charging a fee for issuing the identification card.

S.356, legislation relating to **NOTARIES PUBLIC**, received a favorable with amendment report from the full Judiciary Committee. This legislation updates laws pertaining to notaries public, many of which have not been revised in decades. Highlights of this legislation include the following. The legislation provides definitions for the notarial acts and procedures which are not present in current law. The legislation provides misdemeanor criminal penalties for various offenses relating to notarial acts, including the act of holding one's self out as a notary without a valid notary commission. This legislation provides qualifications for a commission, including being registered to vote and able to read and write in the English language. This legislation authorizes as well as prohibits certain acts of a notary public, including prohibiting a notary from using the term "notario publico" or any equivalent non-English term in any business card, advertisement, notice, or sign; in Mexico a "notario publico" is responsible for the legality of the content of a document. The legislation requires a notary public who is not an attorney licensed to practice law in this state and who advertises his services as a notary public in a language other than English to post or otherwise include with the advertisement in English and in the language used for the advertisement that the notary is not an attorney licensed in South Carolina and may not give legal advice or accept fees for legal advice. The legislation provides maximum fees a notary may charge and includes disclosure requirements for travel fees; however, fees are not required for

services. The legislation specifies changes for which a notary must notify the Secretary of State such as a change of legal name, change of county or change of address.

S.440, legislation which relates to **JUVENILES IN RESTRAINT DURING COURT PROCEEDINGS**, received a favorable with amendment report. 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.440 also includes provisions relating to **TAMPERING WITH THE OPERATION OF AN ELECTRONIC MONITORING DEVICE**. This legislation provides that it is unlawful for any person to knowingly and without authority remove, destroy, or circumvent the operation of an electronic monitoring device which is being used for the purpose of monitoring a person who is: (1) complying with the Home Detention Act; (2) wearing an electronic monitoring device as a condition of bond or pretrial release; (3) wearing an electronic monitoring device as a condition of probation, parole, or community supervision; or (4) wearing an electronic monitoring device as required by any other provision of law. The legislation provides that it shall be unlawful for any person to knowingly and without authority request or solicit any other person to remove, destroy, or circumvent the operation of an electronic monitoring device. Any person who violates these provisions shall be guilty of the misdemeanor offense of tampering with the operation of an electronic monitoring device and shall be imprisoned for not more than three years, or fined up to \$3,000, or both.

LABOR, COMMERCE AND INDUSTRY

The Labor, Commerce and Industry Committee met on Thursday, May 15, and reported out several bills.

The committee gave a report of favorable with amendments on **S.1189**. This legislation makes revisions relating to the generation, distribution, and sale of electrical power that are geared towards reshaping South Carolina's electrical power grid so that it is devoted not only to a few, major, centrally-located power plants run by traditional investor-owned utilities but can also better accommodate electrical generation resources that are distributed throughout the grid, such as rooftop solar arrays, as well as other **DISTRIBUTED ENERGY RESOURCES** such as energy storage and managed loads, including electric vehicle charging. The legislation makes provisions for a South Carolina Distributed Energy Resource Program to promote the establishment of a reliable, efficient, and diversified portfolio of distributed energy resources for the state. The initiative includes changes in the way that investor-owned utilities purchase power from other, smaller, providers of electricity to encourage investment in renewable energy in the form of both relatively large facilities, such as wind farms, and smaller resources such as the solar power collectors installed by residential and commercial net-metering

customers. The legislation also includes provisions that accommodates customers in leasing renewable electric generation resources rather than undertaking the significant costs of purchasing them outright.

The committee gave a favorable with amendments report on **S.757**, a concurrent resolution inviting offshore wind energy developers and manufacturers to meet with South Carolina public officials to further South Carolina's advancement in **OFFSHORE WIND ENERGY**.

The committee gave a report of favorable with amendments on **S.569**, a bill that expands the responsibilities of the state's Department of Insurance to address consumer issues driven by the **COASTAL PROPERTY INSURANCE** market. This bill requires the Director of the Department of Insurance to engage in efforts to provide market assistance and promote consumer education to the state's residential property insurance consumers, including such initiatives as maintaining website information to assist consumers in understanding the general provisions of homeowners insurance policies, providing information on available mitigation discounts and credits, maintaining a list of insurers writing coverage in the area, facilitating premium comparison, and providing information on catastrophe savings accounts. The legislation expands the director's annual reporting requirements regarding the status of the coastal property insurance market. The legislation establishes new notification and disclosure requirements for insurers relating to coastal property insurance programs and issues. The Department of Insurance is charged with conducting a study to assess the feasibility of the creation of a hurricane model by the state, with particular emphasis on the associated costs and physical/logistical requirements. The study also must assess the benefits to consumers of a South Carolina-produced model, including an evaluation of whether it would yield more accurate assessments of risk and better rates. The department shall summarize its findings in a written report that it must provide to the Senate Banking and Insurance Committee and the House Labor, Commerce and Industry Committee before January 1, 2015.

The committee gave a report of favorable with amendments on **S.1099**, a bill establishing **EXEMPTIONS FROM UNEMPLOYMENT BENEFIT PROVISIONS FOR CONTRACT DRIVERS**. The legislation establishes exemptions from unemployment benefit provisions that apply to someone who provides services as a driver of their own tractor trailer, tractor, or other vehicle to a motor carrier and to someone who performs delivery services for an automobile dealer related to the transportation of individual vehicles to purchasers or sellers. As a result of the exemptions, these contract drivers are not eligible for unemployment benefits and the businesses are not required to pay unemployment taxes on the services.

The committee gave a report of favorable with amendments on **S.1026**. In light of a recent South Carolina Supreme Court ruling, the legislation revises provisions for **CONTRACTOR PAYMENT BONDS** relevant to the construction industry to make the provisions applicable to any payment bond whether private, common law, public, or statutory in nature.

The committee gave a favorable report on **S.1065**, a bill establishing provisions for the **LIMITED LICENSING OF SELF-STORAGE FACILITIES TO SELL OR OFFER INSURANCE** for casualty loss of the property contained in the self-storage space and liability for personal injury arising on the premises.

The committee gave a favorable report on **S.826**. 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.

The committee gave a report of favorable with amendments on **S.909**. The legislation revises and updates capitalization requirements and other provisions governing the operation of **CAPTIVE INSURANCE COMPANIES** to make changes that are necessary for the state to retain National Association of Insurance Commissioners accreditation.

The committee gave a favorable report on **S.998**. This bill provides for the issuance of a **MOTORCYCLE DEALER EXHIBITION LICENSE** that allows a holder to exhibit motorcycles and their related products at fairs, recreational or sports shows, vacation shows, and other similar events or shows.

The committee gave a report of favorable with amendments to **S.1100**. This bill revises definitions concerning unemployment benefits and claims to provide that **CORPORATE OFFICERS ARE EXEMPT FROM UNEMPLOYMENT BENEFITS** unless the employer elects coverage. The legislation provides for federally required exemptions from the legislation for individuals employed by an Indian tribe and religious, charitable, educational, or other federally defined organizations.

MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

The full Medical, Military, Public and Municipal Affairs Committee met on Tuesday, May 13, and reported out several bills.

S.1036, which enacts the "**DENTAL SEDATION ACT**," received a favorable report from the full Medical, Military, Public and Municipal Affairs Committee. This legislation establishes requirements, based on the American Dental Association guidelines, for a dentist to receive a permit from the Board of Dentistry to use sedation in a dental practice. The requirements for education and experience; life support training; and the medical facilities and equipment are progressively more advanced for higher levels of sedation or anesthesia. Dentists offering sedation must include four hours continuing education in pharmacology, anesthesia, emergency medicine or sedation every two years. A permit is not required for a dentist to use local anesthesia, nitrous oxide/oxygen, and minimal sedation.

The full committee gave a favorable report to **S.1084**, which pertains to **TUBERCULOSIS (TB) EVALUATION FOR SCHOOL AND CHILD CARE FACILITY EMPLOYEES**. Current provisions prohibit a person from being employed by or contracting with a school, kindergarten, nursery, or childcare facility until the person has been screened for TB by the Department of Health and Environmental Control. However, reevaluation is not required for people who remain continuously employed. This legislation requires employees and contract workers to be reevaluated for TB every five years, and a person who tests positive must get a health certificate from a doctor certifying no active TB in order to remain employed.

S.1172 received a favorable recommendation. This legislation provides for the establishment of **STATE-DESIGNATED CULTURAL DISTRICTS** by the South Carolina Arts Commission; the commission must pursue partnerships and collaborative agreements with other public agencies and the private sector to maximize the benefits and value of these cultural districts.

The Medical, Military, Public and Municipal Affairs Committee gave a favorable report to **S.1056**, legislation relating to **HEARING AIDS**. This legislation prohibits a person from selling hearing aids to a consumer through the mail, internet, or by other means unless the person is licensed as an audiologist or hearing aid dealer in South Carolina and provides for the direct fitting, sale and delivery of the products. The legislation does not prohibit sale of hearing aids through the mail, internet, or by other means to hearing aid distributors, dealers, or other licensed hearing aid practitioners. Further, the legislation does not prohibit the sale of hearing aids through the mail, internet, or other means if the sale is pursuant to the direct prescribed recommendation of a licensed hearing aid practitioner.

WAYS AND MEANS

The Ways and Means Committee met on May 14, 2014, and reported out several bills.

The committee gave a favorable report on **S.503**, the "**BEACH PRESERVATION ACT**", which provides authorization for a municipality that has a public beach and imposes a local accommodations tax not exceeding one and one-half percent to impose an additional beach preservation fee of up to one percent to fund beach renourishment, erosion mitigation, dune restoration, and other beach maintenance projects and activities. The legislation establishes the protocol for approving this additional local accommodations fee through a referendum and provides that the beach preservation fee is not subject to statutory maximum local accommodations tax limitations.

The committee gave a favorable report on **S.812**, a bill making **SOUTH CAROLINA RURAL INFRASTRUCTURE AUTHORITY REVISIONS**. The legislation revises provisions governing the South Carolina Rural Infrastructure Authority, so as to update the list of counties in which a board member may reside or represent. The legislation removes the authority from the Administrative Procedures Act provisions that govern the promulgation of regulations, and no longer requires the authority to obtain review and approval of the Joint Bond Review Committee before providing financial assistance, but requires the authority to submit an annual report to the Joint Bond Review Committee regarding loans and other financial assistance.

The committee gave a report of favorable with amendments on **S.1008**, a bill to provide for the **INCLUSION OF ADMINISTRATIVE LAW JUDGES IN THE RETIREMENT SYSTEM FOR JUDGES AND SOLICITORS** by allowing administrative law judges serving on July 1, 2014, to elect to become a member of the system and transfer prior service credit into the system. The legislation also revises limitations placed on someone who retires as a member of the Retirement System for Judges and Solicitors and subsequently returns to an employment position that is covered by another of the state's retirement systems.

The committee gave a favorable report on **S.1033**, a bill providing that ***OUT-OF-STATE BUSINESSES RESPONDING TO A DECLARED STATE DISASTER OR EMERGENCY ARE NOT TO BE TAXED OR REGULATED AS IN-STATE BUSINESSES***. The legislation provides that an out-of-state business that conducts operations within this state for the purposes of performing work or services related to a declared state disaster or emergency during a disaster period must not be considered to have established a level of presence that would require that business to register, file, and remit state or local taxes, such as unemployment insurance, occupational licensing fees, or property taxes, or that would require that business or its out-of-state employees to be subject to any state licensing or registration requirements.

The committee gave a report of favorable with amendments on **S.234**, a bill establishing **TAX CREDITS FOR THE REHABILITATION OF A STATE-OWNED ABANDONED BUILDING** and its ancillary service buildings, the combined square footage of which is greater than one hundred fifty thousand square feet, that has been abandoned for more than ten years. The legislation also allows for **SOLAR ENERGY SYSTEM INSTALLATION TAX CREDITS**. The legislation provides a credit against income taxes, certain license and premium taxes, and other specified taxes for twenty-five percent of the cost of installing a non-residential solar energy system, with a cap of three hundred thirty-three thousand dollars per system, one million dollars per taxpayer, and total tax credits not to exceed one-half of the taxpayer's tax liability for any year. Credits must be taken in three equal annual installments. The total amount of credits for all taxpayers in a taxable year may not exceed five million dollars. Scheduled to run in conjunction with corresponding federal tax credits, these state tax credits are set to expire at the end of 2016.

The committee gave a report of favorable with amendments on **H.4520**, "**UNCLE PRESTON'S LAW**", which revises property tax provisions as a means of accommodating seniors and disabled individuals to remain in home settings rather than moving to nursing homes or other assisted living facilities. The legislation allows a taxpayer to claim the lower four percent assessment ratio afforded owner-occupied residential property on a residential property other than his legal residence so long as this additional property is used as a residence by a family member who is over the age of sixty-five or is permanently and totally disabled. These favorable tax provisions may be applied when the family member is a parent, sibling, child, aunt, uncle, mother-in-law, father-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, grandparent, or grandchild.

The committee gave a favorable report on **S.293**, a bill revising provisions for the levy and collection of taxes in the **MURRELL'S INLET-GARDEN CITY FIRE DISTRICT**, so as to authorize the levy and collection of an additional four mills.

The committee gave a report of favorable with amendments on **S.437**, a bill revising 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 committee gave a report of favorable with amendments on **S.825**. The legislation provides for a **MILITARY HOUSING FACILITIES TAX EXEMPTION** by exempting from ad valorem taxation any real property located within a military base or installation that is used or owned by the United States Armed Forces and is used as military housing for military affiliated personnel and their families even if the real property is improved, maintained, or leased to a party that would otherwise subject the real property to the tax, so long as there is a contractual agreement requiring the lessee to use the property for military housing. The legislation includes provisions specifically **AUTHORIZING HIRING PREFERENCES FOR VETERANS**. The legislation provides that it is not an unlawful employment practice for a private employer to give preference in hiring to a veteran. This preference is also extended to the veteran's spouse if the veteran has a service-connected permanent and total disability. The legislation provides that these hiring preferences are not violations of the South Carolina Human Affairs Law provisions that address discriminatory employment practices. The legislation revises the effective date of certain property tax breaks provisions for military personnel who are deployed or reassigned that were enacted earlier this year so that eligibility for these favorable tax provisions applies for property tax years beginning after 2012. The legislation enacts the **"MILITARY FAMILY QUALITY OF LIFE ENHANCEMENT ACT OF 2014"** to establish several initiatives that are geared towards benefitting military service members and their families, encompassing: more expansive provisions for military members and their families to vote by absentee ballot in all elections; a comprehensive annual report on the K-12 educational performance of military-connected children; the elimination of the twelve-month domicile requirement that is currently required for veterans and their dependents to be eligible to receive in-state tuition rates at the state's colleges and universities; Medicaid waiver status protections for reassigned military families; the creation of a Military-Connected Children's Welfare Task Force; and authorization for circuit solicitors to establish a veterans treatment court program 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.

The committee gave a report of favorable with amendments on **S.940**, a bill that broadens eligibility for counties to impose an **EDUCATION CAPITAL IMPROVEMENTS SALES AND USE TAX**.

The committee gave a report of favorable with amendments on **S.964**, a bill addressing **EXEMPTIONS TO POLITICAL SUBDIVISIONS' ANNUAL PROPERTY TAX MILLAGE INCREASE LIMITATIONS FOR A FIRE DEPARTMENT AND FOR COUNTY MENTAL HEALTH SERVICES**. This bill revises provisions that establish limits on annual property tax millage increases imposed by political subdivisions so as to provide a exemptions from these limitations that allow a millage rate to be increased by referendum for general operating purposes of a certain fire district and for a county, through a referendum, to suspend the millage rate limitation for the purpose of imposing up to six-tenths of a mill for a mental health services fund.

The committee gave a favorable report on **S.294**, a bill addressing the **USE OF LOCAL ACCOMMODATIONS TAX REVENUE FOR BEACH RENOURISHMENT**. The legislation revises conditions for the expenditure of local accommodations tax revenues,

so as to clarify that in certain situations, funds may be used for beach renourishment. The legislation establishes a procedure that allows a municipality or county, upon a two-thirds vote of the membership of the local governing body, to hold these funds for more than two years so long as the funds are exclusively committed to the control and repair of waterfront erosion, including beach renourishment.

The committee gave a favorable report on **S.985**, which provides for the “**FAIRNESS IN LODGING ACT**” as a 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 and 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 committee gave a favorable report on **S.1000**. This joint resolution provides that, in 2015 and 2016, the annual fee for the **AUTOMOBILE MANUFACTURER STANDARD LICENSE PLATE** for vehicles in the manufacturer’s employee benefit program and for the testing, distribution, evaluation, and promotion of its vehicles is seven hundred fifty-four dollars. Twenty dollars of the fee is to be credited to the General Fund of the State and the amount required to be remitted to a local government is seven hundred thirty-four dollars. In the case of employees participating in the benefit program who reside outside of this State, the entire fee must be credited to the General Fund of the State.

The committee gave a favorable report on **S.474**, a bill providing an **EXEMPTION FROM THE ADMISSIONS LICENSE TAX FOR ADMISSION TO THE STATE MUSEUM**.

The committee gave a favorable report on **S.1085**, a bill establishing conditions for authorizing an extension of a **TRANSPORTATION INFRASTRUCTURE LOCAL SALES AND USE TAX**.

The committee gave a favorable report on **S.809**, a bill **REQUIRING A CAPITAL PROJECTS SALES TAX REFERENDUM TO BE HELD AT A GENERAL ELECTION**.

The committee gave a report of favorable with amendments on **S.535**, legislation establishing a new **HIGHER EDUCATION PERMANENT IMPROVEMENT PROJECT REVIEW PROCESS**. The legislation establishes a revised Joint Bond Review Committee approval process for proposed building construction and other permanent improvement projects of the state's public institutions of higher learning that uses an institution's bond rating as criteria for determining what level of scrutiny will be required.

BILLS INTRODUCED IN THE HOUSE THIS WEEK

EDUCATION AND PUBLIC WORKS

H.5259 CREATION OF THE "REPORT-A-BULLY COMPUTER APP STUDY COMMITTEE" Rep. Limehouse

This legislation creates the "Report-A-Bully Computer App Study Committee" to evaluate programs for installing on all district computer tablets a computer software application through which students may anonymously notify school officials of incidents involving bullying of other students. The legislation provides for the composition of the committee, and it requires the committee to make a report of its findings and recommendations to the General Assembly before January 1, 2015, at which time the committee must be dissolved.

JUDICIARY

S.1147 PROCEEDINGS PERTAINING TO MISSING PERSONS Sen. Rankin

In the case of an individual's disappearance in which the assets of the missing individual total \$25,000 or less, and no person was previously appointed by the missing individual to have general authority to act on behalf of the missing individual, this legislation provides that a spouse or next of kin of the missing individual, upon submitting a document that complies with the requirements of Section 62-1-507(3), may petition the court to be appointed the temporary conservator of the missing individual's property for a six-month period of time. For such temporary conservator appointments of missing individual's estates, the petitioner may request a hearing on an emergency basis, with the appointment of an attorney for the missing individual and the setting of a bond being temporarily waived. The petitioner must also comply with all notice requirements. The appointment of a spouse or next of kin as a temporary conservator for the property of a missing individual does not alter the ability of the spouse or next of kin to apply for appointment as the conservator after the expiration of the six-month period. For estates that total more than \$25,000, the provisions of Section 62-5-408(1) shall apply for the appointment of temporary conservators. The legislation includes provisions for termination of the conservatorship.

WAYS AND MEANS

H.5249 "SOUTH CAROLINA ARCHAEOLOGICAL PRESERVATION FUND"

Rep. Funderburk

This bill provides that the General Assembly in the annual general appropriations act beginning with Fiscal Year 2015-2016 shall appropriate such funds as it considers appropriate, not to exceed seventy-five thousand dollars, to establish the "South Carolina Archaeological Preservation Fund" for the purpose of awarding grants to qualified archaeologists to preserve, examine, and explore public and private archaeological sites in South Carolina having significant archeological importance and deserving of special attention. A seven member committee is created to award these grants under specified conditions.

H.5260 COUNTY FORFEITED LAND COMMISSION REVOLVING FUND

Rep. Parks

This bill provides authorization for a forfeited land commission of a county to establish a revolving fund to pay its legal and other expenses. This fund must be established and maintained by the county treasurer from a portion of the proceeds of the sale of forfeited lands in amounts not exceeding forty percent of the sale price of any forfeited land in whole or in part. The legislation includes authorization for the issuance of special source revenue bonds for the initial funding of the revolving fund and authorizes the county treasurer to invest funds of the commission's revolving fund. The legislation provides that the authorized representative of a forfeited land commission that elects to clear tax titles may bring multiple actions in the court of common pleas of the county in a single suit, if all of the properties included in the suit were previously owned by a single individual, partnership, or corporation. The legislation allows a deduction from value in the determination of the deed recording fee for a lien or encumbrance on land in possession of the commission. The legislation revises provisions relating to the commission's required bid in at a delinquent tax sale for personal property for which no bid equals tax and costs of the execution, so as to extend the commission's bid in requirement to real property.

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