



South Carolina House of Representatives

Legislative Update

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

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

HOUSE WEEK IN REVIEW

The House of Representatives amended, approved, and sent the Senate [H.3663](#), a joint resolution establishing an **INTERIM GOVERNING AUTHORITY FOR SOUTH CAROLINA STATE UNIVERSITY** in order to address the school's financial crisis and academic accreditation issues and ensure the continuing viability of the institution. The legislation removes the members of S.C. State's Board of Trustees and transfers oversight and control of the institution to an Interim Board of Trustees composed of the designees of the five members of the State Fiscal Accountability Authority: the Governor, Treasurer, Comptroller General, Chairman of the Senate Finance Committee, and Chairman of the House Ways and Means Committee. The Interim Board is authorized to remove the university's current president and employ an interim president on an at-will basis. The Interim Board serves until no later than July 1, 2018, by which time the General Assembly must elect a new, restructured South Carolina State Board of Trustees whose members are to serve staggered terms in order to maintain consistency and preserve institutional knowledge.

The House amended, approved, and sent the Senate [H.3204](#), the "**CERVICAL CANCER PREVENTION ACT**". The legislation provides that, beginning with the 2015-2016 school year, the Department of Health and Environmental Control (DHEC) may offer the cervical cancer vaccination series for adolescent students including those enrolling in the seventh grade in any school, public, private, or home schooling program, in this state. The legislation includes parental consent requirements for vaccination and provides that no student is required to have the cervical cancer vaccination series, the human papillomavirus vaccination (HPV) series, before enrolling in or attending school. The department may develop and provide informational brochures concerning adolescent vaccinations, including the cervical cancer vaccination series, that schools and home schooling programs may distribute to the parents or guardians of all students in the sixth grade. DHEC's informational brochure must state the benefits and side effects of the cervical cancer vaccination series and that the vaccination series is optional. The brochure shall encourage the student's parent or guardian to go to the child's own health care provider for vaccination.

The House did not concur in Senate amendments to [S.196](#), legislation enhancing provisions for **COMBATting HUMAN TRAFFICKING**. A conference committee was appointed to address the legislative bodies' differences on the legislation.

The House appointed a conference committee to address its differences with the Senate on [H.3118](#), legislation relating to the **HUNTING AND TAKING OF WILD TURKEY**, including conservation measures that may be needed to address observed declines in the state's wild turkey population.

The House amended, approved, and sent the Senate [H.3701](#), the General Appropriation Bill, and [H.3702](#), the joint resolution making appropriations from the Capital Reserve Fund, which together comprise the proposed **FISCAL YEAR 2015-2016 STATE GOVERNMENT BUDGET**.

The House approved and sent the Senate [H.3142](#), legislation establishing **SAFETY REQUIREMENTS FOR MOPEDS**. The legislation establishes requirements for moped

operators and passengers to wear reflective vests and for a moped to be equipped with a rear red tail light that flashes continually while the moped is in motion. The legislation provides that it is unlawful for a person to operate a moped on the public roads in this state that have a speed limit of greater than fifty-five miles per hour. A moped, while traveling along a multi-lane highway, must be operated in the farthest right lane except when making a left turn.

The House approved and sent the Senate **H.3849**, a bill establishing **CONFIDENTIALITY FOR TEACHER EVALUATION RECORDS** as a means of promoting candid feedback for continuous improvement of teaching and learning. The legislation provides that records relating to educator evaluation that include personally identifiable information are exempt from public disclosure under the state's Freedom of Information Act provisions.

The House approved and sent the Senate Joint Resolution **H.3847** which provides that an applicant for **LICENSURE AS A SPEECH-LANGUAGE PATHOLOGIST ASSISTANT** who earned a bachelor's degree in speech-language pathology from a nationally accredited institution of higher education is exempt from the recently-enacted requirement of having a bachelor's degree from a regionally accredited institution of higher education.

The House committed **H.3343**, a bill disallowing certain **METHODS OF EUTHANASIA IN ANIMAL SHELTERS**, to the Agriculture, Natural Resources, and Environmental Affairs Committee.

HOUSE COMMITTEE ACTION

AGRICULTURE, NATURAL RESOURCES AND ENVIRONMENTAL AFFAIRS

The Full Agriculture Committee met on March 19, 2015 at 8:30 a.m. in room 410 in the Blatt Building. The following matters were discussed and reported out of committee.

The committee gave a favorable recommendation to **H.3393**, legislation regarding the **MIGRATORY HUNT AND CONSERVATION STAMP**. This bill provides that a person shall obtain a Federal Migratory Hunting and Conservation Stamp in addition to obtaining required state hunting licenses and permits. In an effort to provide convenience for hunters, the legislation also states that the Department of Natural Resources may contract with the US Fish and Wildlife Service to make a Federal Migratory Hunting and Conservation Stamp available through the license sales system of the department.

H.3668, a bill dealing with **DEER HUNTING APPAREL**, was given a favorable with amendment recommendation by the full committee. The bill states that all non-exempt persons must wear a hat, coat, or vest of solid international orange while on Wildlife Management Area lands during hunting season.

The full committee gave a favorable with amendment recommendation to **H.3762**, a bill dealing with **ANIMAL TRAPS**. Currently, the trapping device has a name and address; however, the bill allows for the Department of Natural Resources' (DNR) number to be used in order to identify owner. The legislation also repeals Section 50-11-2550 relating to transportation of skins, furs, pelts or hides of furbearing animals out of state.

H.3786, legislation regarding **CATCH LIMITS**, was given a favorable report by the full committee. The legislation states that it is unlawful to take or possess a tiger shark (*Galeocerdo cuvier*). Any tiger shark that is caught must be released immediately and must remain completely in the water at all times while being released.

The full committee gave a favorable report to **H.3216**, a bill classifying **ANIMAL CONTROL OFFICERS** as class three officers with certification. This legislation allows animal control officers to have the necessary training and tools to carry out their responsibilities and duties safely. As a result, the animal control officer will have the same powers and duties as a litter control officer.

JUDICIARY

The House Judiciary Committee passed out six bills on Tuesday, March 17, 2015.

H.3583, **ANTI-BOYCOTT**, passed as amended. The bill states that a public entity may not enter into a contract with a business unless the contract includes a representation that the business is not currently engaged in, and an agreement that the business will not engage in, the boycott of a person or an entity based in or doing business with a jurisdiction with whom South Carolina can enjoy open trade.

H.3545, **ARSON**, passed as amended. The bill reverses many of the changes made to the arson statute by the 2010 Omnibus Crime Act. The bill adds serious bodily injury to arson 1 and adds various classes of property removed in 2010 (such as houses, churches, schools, plants or warehouses, general businesses, in addition to others). The bill removes serious bodily injury requirement for Arson 2 and adds churches, schools, plants, warehouses, or any building designed for human occupancy to Arson 2. Removes "dwelling house" from Arson 3 and adds boats, vehicles, rail cars, and personal property to list of items that if burned can result in Arson 3.

H.3115, **FIREARMS AND KNIVES**, passed as amended. This bill prevents a local government from enacting ordinances regarding knives (it adds knives to the list of items that cannot be regulated by any governing body other than the General Assembly).

H.3116, **FIREARMS AND AMMUNITION**, passed as amended. The bill makes it unlawful for a person to knowingly entice or solicit a licensed dealer or private seller of firearms or ammunition to transfer a firearm or ammunition under circumstances that the person knows would violate the laws of this state or the United States (also unlawful for a person to present materially false information).

H.3119, **THEFT OF A FIREARM**, passed as amended. This bill makes theft of a firearm a specific felony offense with a penalty of up to five thousand dollars and imprisonment for a mandatory minimum of seven years but not more than ten years.

H.3025, CONCEALED WEAPONS, passed the committee. The bill revises the conditions that allow a holder of an out-of-state concealed weapons permit to carry a weapon in South Carolina. This bill deletes the state reciprocity requirement and provides that a resident of any other state with a valid concealed weapons permit can carry a concealed weapon in South Carolina. The bill emphasizes that while in South Carolina, the out-of-state resident is subject to and must abide by South Carolina's concealable weapons laws.

LABOR, COMMERCE AND INDUSTRY

The Labor, Commerce and Industry Committee met on March 19, 2015, and reported out several bills.

The committee gave a report of favorable with amendment on **H.3662**, a bill **PROHIBITING THE ENFORCEMENT OF INTERNATIONAL RESIDENTIAL BUILDING CODE REQUIREMENTS FOR FIREPROOF FLOORING**. This bill provides that Section 501.3 of the 2012 International Residential Code relating to the installation of fireproof flooring must not be enforced.

The committee gave a report of favorable with amendment on **H.3396**, a bill establishing a **WORKERS' COMPENSATION LAW EXEMPTION RELATING TO THOSE WHO WORK AT THE STATE'S PORTS**. The legislation provides that South Carolina's workers' compensation laws do not apply to an employee who suffers an injury on or after July 1, 2016, for which there is jurisdiction under either the federal Longshore and Harbor Workers' Compensation Act, and its extensions, or the federal Merchant Marine Act of 1920. The legislation specifies that the state's workers' compensation law provisions must not, however, be construed to eliminate or diminish any right that any person or, in the case of the person's death, his personal representative, may have under either of these federal laws.

The committee gave a report of favorable with amendment on **H.3525**, the **"TRANSPORTATION NETWORK COMPANY ACT"** which regulates operations that make use of digital networks or internet applications to connect a passenger to a transportation network driver for the purpose of providing transportation for compensation using a vehicle outside the limits of a municipality. The legislation establishes new requirements for transportation network companies to obtain certificates from and be regulated by the Office of Regulatory Staff which, in carrying out its new duties, is charged with balancing the interest of the state in promoting innovative, safe, and cost-effective transportation services with an appropriate level of safety protections for passengers and the general public. The Transportation Network Company Act includes new requirements relating to such matters as insurance coverage, vehicle safety and cleanliness, background checks for drivers, nondiscrimination with respect to passengers, the charging of fares, a prohibition on cash payments, and a prohibition on street hails and other ride arrangements that do not make use of the company's digital network. Assessments are established to address regulatory costs and penalties are provided for violations.

BILLS INTRODUCED IN THE HOUSE THIS WEEK

AGRICULTURE, NATURAL RESOURCES AND ENVIRONMENTAL AFFAIRS

S.463 DEPARTMENT OF NATURAL RESOURCES Sen. Martin

This joint resolution directs the Department of Natural Resources to conduct a review of wildlife tagging, validation, and methods of checking harvested game utilized in other states and to report its findings and recommendations.

S.454 HUNTING AND FISHING LICENSES Sen. Campsen

For the privilege of hunting and taking deer on property with a Deer Quota Program permit, a person must possess the required hunting license, any other required permits, and have access and authorization to utilize Deer Quota Program tags for the property on which the person is hunting.

H.3880 MIGRATORY WATERFOWL COMMITTEE Rep. Ott

The bill increases the Migratory Waterfowl Committee by one who shall be designee of Delta Waterfowl of South Carolina who is not a paid employee.

EDUCATION AND PUBLIC WORKS

H.3839 SPEED LIMITS Rep. D.C. Moss

Clarifies certain instances when a person is guilty of exceeding the speed limit.

H.3843 FIRST STEPS Rep. Allison

A joint resolution to extend the deadline for the office of First Steps study committee to complete its review and present its recommendations to the General Assembly from March 15, 2015, as provided in act 287 of 2014, to January 1, 2016.

H.3845 SPEED LIMITS IN BLUFFTON Rep. Erickson

This bill relates to speed limits and parking in Bluffton in Beaufort County.

H.3848 "SOUTH CAROLINA FOUNDING PRINCIPLES ACT" Rep. Huggins

This bill enacts the "South Carolina Founding Principles Act" to require the completion of a separate, full semester course consisting only of instruction in certain founding principles of the United States of America, to require a passing grade in the course and on the naturalization test for United States citizenship as a condition for graduation from high school, and to provide related requirements of the State Board of Education and the local school districts.

H.3850 "HEALTHY STUDENTS ACT OF 2015" Rep. Williams

This bill enacts the "Healthy Students Act of 2015" relating to physical activity and meal and nutrition standards for elementary school students.

H.3876 "SOUTH CAROLINA EDUCATION EFFICIENCY ACT" Rep. Toole

This bill enacts the "South Carolina Education Efficiency Act" relating to the general duties of the State Superintendent of Education and abolishes the State Board of Education.

H.3882 SCHOOL BUS DRIVERS Rep. Gambrell

This bill relates to physical examinations of school bus drivers.

S.193 COMMERCIAL DRIVER'S LICENSE Sen. Hutto

This bill establishes the intrastate vision waiver program, to provide that certain visually impaired individuals may obtain a waiver from the sight requirements associated with a commercial driver's license, and to provide for the eligibility requirements for the waiver, the circumstances under which a waiver may be granted, and the procedures for obtaining a waiver.

S.361 AUTOMOBILE INSURANCE RATE REDUCTIONS Sen. Hayes

This bill relates to automobile insurance rate reductions for non-youthful operators.

JUDICIARY

H.3835 COMPANION ANIMALS Rep. Atwater

Prohibits the tattooing or piercing of a companion animal except for specified reasons and to provide penalties for violations.

H.3841 VITAL STATISTICS Rep. Rutherford

Requires the Department of Health and Environmental Control to facilitate the registration of both spouses of a same-sex marriage as the parents of a child.

H.3842 ALIMONY AND DOMESTIC VIOLENCE Rep. Long

Prohibits a person convicted of a domestic violence offense from receiving or continuing to receive alimony from the victim of a domestic violence offense.

H.3852 UNITED STATES SAVINGS BONDS Rep. Tallon

Provides for escheatment to the state (and protective procedures related) of unclaimed United States Savings Bonds.

H.3853 EXECUTION TEAMS Rep. Pitts

Provides that identifying information of a person or entity that participated in the planning or administration of the execution of a death sentence is confidential without exception.

H.3854 "REPORT-A-BULLY IN SCHOOL WEBSITE ACT" Rep. Limehouse

Enacts the "Report-A-Bully In School Website Act" and provides that each school district shall develop a website through which a person may anonymously report acts of harassment, intimidation, or bullying of a student at school.

H.3862 RETIRED JUDGES Rep. Quinn

Retired judges and justices assigned by the Chief Justice to preside over any proceeding before a Circuit or Family court or to act as an Associate Justice in a proceeding before the Supreme Court or Court of Appeals also must be confirmed every two years by the General Assembly in joint session beginning January 1, 2016.

H.3863 BAIL BONDSMEN Rep. Tallon

Revises (among other things) the minimum fee that must be charged and collected before a bondsman may execute a bond.

H.3864 VIDEOCONFERENCING WITNESS TESTIMONY Rep. Pope

Provides a procedure for the videoconferencing of certain witnesses during trials.

H.3869 EMPLOYMENT OF INMATES Rep. Neal

Provides that the Department Of Corrections may not negotiate or execute a contract with a private sector business that pays an inmate a wage that is less than the federally established minimum wage.

H.3870 INMATE WAGES Rep. Neal

Provides that an inmate who is paid less than the federally established minimum wage shall not have the cost for room and board deducted from his wages.

H.3873 SEXUAL BATTERY Rep. Toole

Revises the structure of the offense of sexual battery with a student to provide the same penalty for persons who commit the offense when the victim is sixteen years of age or older and to provide a mandatory minimum sentence of one year for a conviction, no part of which may be suspended nor probation granted.

H.3875 STATE BOARD OF EDUCATION Rep. Toole

Abolishes the State Board of Education.

S.179 ALCOHOLIC LIQUORS Sen. L. Martin

Prohibits powdered and crystalline alcohol when hydrolyzed.

S.398 MAGISTRATES Sen. Campsen

Regarding the eligibility examination for magistrates, extends the time period for the validity of the examination scores from six months before and six months after the time the appointment is to be made to one year before and one year after the time the appointment is to be made.

S.374 PLEDGES Sen. Campsen

Provides a time for candidates to obtain pledges or commitments from members of the General Assembly after publication of the joint committee's findings on the candidates and to set a time for the election of the candidates.

S.436 PLEDGES FOR JUDICIAL CANDIDATES Sen. Campsen

This bill relates to pledges regarding judicial candidates.

LABOR, COMMERCE AND INDUSTRY

S.304 *CONTRACTS TO BUY POWER BETWEEN A JOINT POWER AND ENERGY AGENCY AND ITS CONSTITUENT MUNICIPALITIES*

Sen. Martin

This bill revises provisions relating to contracts to buy power between a joint power and energy agency and its constituent municipalities, so as to provide for the renewal or extension of contracts to buy power for additional periods not to exceed fifty years from the date of the renewal or extension.

S.375 *LOCAL GOVERNMENT SURPLUS PUBLIC FUNDS DEPOSITS*

Sen. Hayes

This bill revises provisions relating to securing deposits of funds by counties, municipalities, and other local governing bodies, by establishing conditions under which a local governing body is allowed to deposit all or a portion of surplus public funds in its control or possession.

H.3865 *“SELF-EMPLOYMENT ASSISTANCE PROGRAM ACT”* Rep. Hodges

This bill enacts the “Self-Employment Assistance Program Act” to establish provisions for weekly unemployment benefits for self-employed people.

H.3866 *STATE FIRE MARSHALL ADDED TO THE STATE CHILD FATALITY ADVISORY COMMITTEE* Rep. Gambrell

This bill expands the membership of the State Child Fatality Advisory Committee to include the State Fire Marshall.

H.3867 *INSURER PAYMENTS TO NONPARTICIPATING OR NONPREFERRED*

HEALTH CARE SERVICE PROVIDERS Rep. Chumley

This bill provides that licensed insurers who allow benefits to be paid directly to participating or preferred health care service providers shall allow a payment to a similarly licensed nonparticipating or nonpreferred health care service provider.

H.3881 *AUTHORIZED OFFICIALS AT EACH LICENSED MANUFACTURING HOUSING RETAIL DEALER LOCATION* Rep. Toole

This bill provides that each licensed manufacturing housing retail dealer location must have one authorized official representing the dealership. The legislation requires an authorized official who is not the dealer to hold a manufactured home retail salesperson or retail dealer license. The legislation provides that the Manufactured Housing Board must be notified in writing within twenty days if the authorized official changes.

MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

S.167 *HEARING AIDS* Sen. Turner

This bill allows licensed persons to sell hearing aids through the mail, internet, or other means. This bill also adds a requirement that the salesperson must provide the direct fitting, sale, and delivery of the products.

S.339 HOPE'S LAW Sen. Lourie

This bill enacts "Hope's Law" that requires mammogram providers to provide a mammogram report to patients that includes breast density. In the event that the mammogram shows the presence of dense breast tissue, mammogram providers must include a report informing the patient for dense breast tissue can make it harder to evaluate the results of the mammogram and may be associated with an increased risk of breast cancer.

S.413 PROTOCOL FOR PHARMACISTS Sen. Clearly

This bill provides a procedure for creating protocol through which pharmacists may administer certain vaccines without a written order or prescription from a practitioner. It also provides acceptances under certain circumstances in which a CPR trained pharmacy intern may also administer vaccinations.

H.3851 BIRTHING CENTERS Rep. G. M. Smith

This bill requires birth centers to be accredited and to comply with state statutes and regulations. The bill also requires births planned to occur at birth centers be evaluated by professional staff to assess for risk status and to document evaluations in client files.

WAYS AND MEANS

S.350 SOUTH CAROLINA COMMUNITY ECONOMIC DEVELOPMENT ACT EXTENSION Sen. Campbell

This bill provides a five-year extension for the South Carolina Community Economic Development Act so that these provisions governing community development corporations and community development financial institutions are set to terminate on June 30, 2020, rather than June 30, 2015.

S.373 CHANGING THE FORM OF MONTHLY SOUTH CAROLINA RETIREMENT SYSTEM PAYMENTS Sen. Setzler

This bill revises South Carolina Retirement System provisions relating to the optional forms of retirement allowances, so to allow a member to change the form of monthly payment within five years of a change in marital status, instead of one year.

S.379 TAX CODE REVISIONS Sen. Courson

This bill makes numerous revisions to South Carolina Tax Code provisions.

S.475 TEMPORARY BOARD OF TRUSTEES FOR SOUTH CAROLINA STATE UNIVERSITY Sen. Leatherman

This joint resolution removes the current members of the Board of Trustees of South Carolina State University and transfers governance authority over SC State to a temporary board of trustees appointed by the Governor and legislators holding certain

key leadership positions. The temporary board is authorized to develop programmatic, personnel, and related policies it deems necessary to ensure that the university operates within its appropriated and authorized budget.

H.3836 ALTERNATIVE MOTOR FUEL INCENTIVES Rep. Loftis

This bill establishes tax incentives for someone who purchases or constructs and installs and places in service in this state eligible property that is used for distribution, dispensing, or storing compressed natural gas, liquefied natural gas, or liquefied petroleum gas alternative motor fuel. The legislation establishes provisions to accommodate and encourage motor vehicles powered by these alternative fuels.

H.3837 "SOUTH CAROLINA NEW MARKET JOBS ACT" Rep. Loftis

This bill enacts the "South Carolina New Market Jobs Act" to establish tax credits for community development entities that provide investment capital for an active low-income community small business located in this state.

H.3838 "COMMERCIAL MOTOR VEHICLE EQUITY AND INFRASTRUCTURE IMPROVEMENT ACT" Rep. Loftis

This bill enacts the "Commercial Motor Vehicle Equity and Infrastructure Improvement Act" to provide that certain vehicles are assessed and apportioned based on a road use fee instead of property taxes.

H.3868 "WETLANDS CONSERVATION ACT" Rep. Pitts

This bill enacts the "Wetlands Conservation Act". The legislation increases the portion of a state deed recording fee that must be credited to the South Carolina Conservation Bank Trust Fund from twenty-five cents to thirty cents and provides that any funds collected by the Conservation Bank in excess of the amount authorized in the annual appropriations bill must be transferred to the Department of Natural Resources. The legislation revises trust fund grants and conservation criteria so as to add isolated wetlands and Carolina Bays to the conservation criteria and to add the value of a proposal on wildlife management areas owned and managed by the Department Of Natural Resources to the conservation criteria. The board is allowed to authorize up to eight and thirty-three one hundredths percent of the monies credited to the trust fund to applications that solely meet the new conservation criteria and limit the award of money to applications for acquisition of interests in land solely for the sites of historical or archaeological significance. The legislation revise restrictions on the transfer of deed recording fees to the trust fund, so as to provide the transfer of recording fees and other appropriated funds to the South Carolina Conservation Bank Trust Fund must be decreased by twice the average percentage reduction of appropriations to each agency and department in a fiscal year when the General Assembly provides less appropriations than what was provided for in the previous year to at least one-half of all state agencies or departments.

H.3874 TAX CREDITS FOR RENEWABLE ENERGY PROPERTY Rep.

Mitchell

This bill provides for an income tax credit to an individual or business that constructs, purchases, or leases renewable energy property and places it in service in this state.

H.3878 INDIVIDUAL INCOME TAX RATES Rep. White

This bill revises tax rate provisions for individuals, estates, and trusts, so as to increase the size of the tax brackets for each tax rate. The legislation provides that the brackets shall not be adjusted in Tax Years 2016 and 2017.

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Legislative Update, March 24, 2015

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