



South Carolina House of Representatives

# Legislative Update

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

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Vol. 31

May 27, 2014

No. 16

## CONTENTS

HOUSE WEEK IN REVIEW .....	02
BILLS INTRODUCED IN THE HOUSE THIS WEEK.....	13

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# HOUSE WEEK IN REVIEW

The House of Representatives amended H.3945, legislation **ENHANCING ETHICS ACT REQUIREMENTS**, and returned the bill to the Senate. The legislation expands financial disclosure requirements for public officials, candidates, and others who are required to file statements of economic interest, including new requirements for disclosing sources of private funds. The legislation prohibits the use of leadership political action committees which have not been subject to the limitations imposed on contributions made to individual candidates. Reporting requirements for campaign contributions and expenditures are revised to be more effective during the final days leading up to an election by requiring an additional report to be filed two days before an election. Reports must be made to the State Election Commission detailing electioneering communications which are mass communications, excluding such things as media coverage and candidate debates, that are made in the final days before elections and primaries in order to influence their outcome. Supervisory bodies are afforded greater access to the financial records of candidates and committees in order to verify campaign disclosure forms. More stringent criteria are established for the use of campaign funds for travel expenses by setting payments or reimbursements for mileage at the federal rate established by the Internal Revenue Service and restricting lodging, food and beverage, or other travel expenses to campaign events or events that are part of an officeholder's official responsibilities. The legislation disallows cash payments from campaign accounts and prohibits equipment purchased with campaign funds, including computers and cell phones, from being converted to personal use. Payments to campaign or office staff must be made contemporaneously with the work provided. Campaigns are not allowed to employ an immediate family member of the candidate. The legislation establishes a process that allows someone thirty days to correct mistakes in their use of campaign funds, without penalty, so long as this misuse of campaign funds is not fraudulent or intentional and does not exceed the amount of two thousand dollars in an election cycle. The legislation creates a temporary South Carolina Ethics Violations Study Committee, composed of four circuit solicitors and four public defenders, to make recommendations to legislators, by February 1, 2015, on which violations of the ethics act should be designated as criminal violations and which should be treated as civil matters.

H.3945 creates a twelve-member South Carolina Commission on Ethics Enforcement and Disclosure, composed of no legislators, sitting judges, or other public officials, to have jurisdiction over the executive, legislative, and judicial branches of government in administering ethics requirements, receiving complaints regarding ethical conduct, and making investigations necessary to determine the validity of complaints. The commission's membership is composed of two individuals elected by the House of Representatives, two individuals elected by the Senate, four individuals appointed by the Governor, with the advice and consent of the General Assembly, and four individuals elected by majority vote of the Supreme Court. Provisions are included to structure the legislative and gubernatorial selections in a bi-partisan fashion and to exclude recent lobbyists as well as the family members, recent campaign contributors, employees, and business associates of those who make the nominations and selections to the commission. The commission is authorized to initiate or receive complaints alleging ethical violations relating to state and local public officials, legislators, judges, staff, lobbyists, and candidates for public office, and can investigate complaints through the

formation of a three-member panel, composed of one appointee of each branch of government. In conducting its investigation, the panel may examine all filings and issue subpoenas for testimony and documents. Findings are reported to the full commission which may, by majority vote, refer a matter to the State Ethics Commission, the Ethics Committees of the House of Representatives or Senate, or the Supreme Court's Commission on Judicial Conduct, as appropriate, in order for the matter to be adjudicated and for any appropriate sanctions to be applied. Prior to referral, complaints before the commission are confidential, unless that confidentiality is waived, but upon referral to the appropriate jurisdiction, the matter and the commission's investigation become public. Matters may be referred to the Attorney General if criminal violations are involved.

**H.3945** also revises the composition of the State Ethics Commission so that it would no longer be composed exclusively of gubernatorial appointees. The legislation provides for the Governor to appoint the commission's chairman and one additional member and for the State Treasurer, the Comptroller General, the Attorney General, the Adjutant General, the Secretary of State, the Commissioner of Agriculture, and the State Superintendent of Education each to appoint one member. All members must be appointed from the state at-large and no one who has made a campaign contribution to one of the appointing authorities within the previous four years may be appointed to the commission.

The House concurred in Senate amendments to **H.3893**, relating to the **ADOPTION OF STATEWIDE EDUCATION STANDARDS AND ASSESSMENTS** for use in the state's K-12 public schools, and enrolled the bill for ratification. The legislation addresses issues relating to national Common Core academic standards that have become aligned with federal programs and waivers offered through the U.S. Department of Education. Under the legislation, proposed new standards and revisions to existing standards that are developed by South Carolina's Department of Education would continue to follow the current approval process, but standards and revisions developed by anyone other than the State Department of Education must be sent to the General Assembly for review so that lawmakers may approve or reject them. The General Assembly and the Governor must be notified whenever the State Department of Education or the Education Oversight Committee seek to change an existing standard. The legislation accelerates cyclical review for the English/language arts and mathematics state content standards that were not developed by the South Carolina Department of Education, requiring the review to commence this year and for the new college and career readiness state content standards to be implemented for the 2015-2016 school year. The legislation establishes requirements for the prompt procurement and implementation of new assessments. Assessments must be procured no later than September of this year under a protocol that requires the advice and consent of a temporary special assessment panel composed of the Chairman of the State Board of Education, the Chairman of the Education Oversight Committee, the Chairman of the Board of Directors for the South Carolina Chamber of Commerce, the Chairman of the South Carolina Commission on Higher Education, the Chairman of the South Carolina Technical College System Board, and the State Superintendent of Education, or their designees. The legislation provides that South Carolina is no longer part of the Smarter Balanced consortium and may not adopt or administer the Smarter Balanced Assessment. The legislation also provides for a "South Carolina Department of Education Data Use and Governance Policy" that includes prohibitions on collecting individualized student data

directly from students or families and transferring individualized data to the U.S. Department of Education.

The House concurred in Senate amendments to **S.1035**, legislation addressing **ACCESS TO CANNABIDIOL, A SUBSTANCE DERIVED FROM MARIJUANA, FOR TREATMENT OF SEVERE FORMS OF EPILEPSY**, and enrolled the bill for ratification. 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.1189** to the Senate with amendments. 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 to accommodate customers in leasing renewable electric generation resources rather than undertaking the significant costs involved in purchasing them outright.

The House returned **S.757** to the Senate with amendments. The legislation is 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 House returned **S.815**, a bill providing for **STATE ELECTION COMMISSION OVERSIGHT OF COUNTY BOARDS OF VOTER REGISTRATION AND ELECTIONS**, to the Senate with amendments. The legislation charges the executive director State Election Commission with supervising the conduct of county boards of voter registration and elections and ensuring that those boards and all who are involved in the elections process comply with state voting law requirements and applicable federal law. In order ensure compliance, the State Election Commission is directed to conduct reviews, audits, or other postelection analysis in order ensure compliance. The State Election Commission is empowered to intervene when it finds that local election authorities have failed to comply with applicable state or federal law or Election Commission policy regarding the conduct of elections or the voter registration process or when local election authorities fails to certify the results of an election or referendum in a timely manner. The legislation provides a statewide protocol establishing consolidated county boards of voter registration and elections. The State Election Commission must provide public notice of all new state and local changes to voting procedures by publishing explanations of the changes on its website. The legislation also provides clarification that a political party that has nominated candidates by convention may continue to use this method of nomination.

The House approved **S.446**, a bill to provide for the **RATIFICATION OF THE CONSTITUTIONAL AMENDMENT ALLOWING THE JOINT ELECTION OF THE GOVERNOR AND THE LIEUTENANT GOVERNOR**, and enrolled the legislation for ratification. The legislation ratifies the amendment to the South Carolina Constitution that the state's voters approved at the 2012 General Election to allow for the joint election of the Governor and the Lieutenant Governor beginning with the general election of 2018. Under the revised system, 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.

The House approved on **S.503**, the "**BEACH PRESERVATION ACT**", and enrolled the bill for ratification. The legislation 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 House approved **S.1032**, a bill providing authorization for a **WAVE DISSIPATION DEVICE PILOT PROJECT**, and enrolled the bill for ratification. The legislation authorizes the Department of Health and Environmental Control Board or the Office of Ocean and Coastal Resource Management to allow the use in a pilot project of any technology, methodology, or structure, if it is reasonably anticipated that the use will be successful in addressing erosion issues in a beach or dune area. If success is demonstrated, the board or office may allow for its continued use in the pilot project location as well as its use in additional locations.

The House approved **S.839**, a bill providing authorization for **INDUSTRIAL HEMP** to be grown in South Carolina, and enrolled the legislation for ratification. 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.

The House approved **S.779**, legislation which provides that **CERTAIN SOCIAL CARD AND DICE GAMES ARE NOT UNLAWFUL**, and enrolled the bill for ratification. 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.

The House concurred in Senate amendments to **H.4871**, a bill **CLARIFYING THAT CHARTER SCHOOL PROPERTY IS EXEMPT FROM STATE AND LOCAL TAXATION REGARDLESS OF WHETHER IT IS LEASED OR OWNED** to ensure that charter schools are afforded the same tax exemptions as other public schools, and enrolled the legislation for ratification.

## Legislative Update, May 27, 2014

The House approved **S.1172** and enrolled the bill for ratification. This legislation provides for the establishment of **STATE-DESIGNATED CULTURAL DISTRICTS** by the South Carolina Arts Commission. The commission is directed to pursue partnerships and collaborative agreements with other public agencies and the private sector to maximize the benefits and value of these cultural districts.

The House approved **S.687**, the "**SOUTH CAROLINA BLIND PERSON'S RIGHT TO PARENT ACT**", and enrolled the bill for ratification. 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 House approved **S.1036**, the "**DENTAL SEDATION ACT**", and enrolled the bill for ratification. 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 House approved **S.1076**, legislation which pertains to **RETIRED LAW ENFORCEMENT OFFICERS**, and enrolled the bill for ratification. 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.

The House approved **S.343**, legislation **MODERNIZING UNIFORM COMMERCIAL CODE PROVISIONS**, and enrolled the bill for ratification. The legislation updates UCC provisions, most notably by providing for the use of electronic documents.

The House approved **S.561**, a bill revising provisions that govern the **PURCHASING, SELLING, AND TRANSPORTING OF NONFERROUS METALS**, and enrolled the bill for ratification. The legislation 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 House approved **S.1007**, legislation establishing an **EXPEDITED MORTGAGE FORECLOSURE PROCESS FOR ABANDONED PROPERTY**, and enrolled the bill for ratification.

The House approved **S.826** and enrolled the legislation for ratification. 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 House approved on **S.998** and enrolled the legislation for ratification. 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 House approved **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, and enrolled the legislation for ratification.

The House returned **S.459**, which establishes a **PROHIBITION ON TEXTING WHILE DRIVING**, to the Senate with amendments. The legislation provides that it is unlawful for a person to use a wireless electronic communication device to compose, send, or read a text-based communication while operating a motor vehicle on the public streets and highways of this state. This prohibition does not apply to someone who is: (1) lawfully parked or stopped; (2) using a hands-free wireless electronic communication device; (3) summoning emergency assistance; (4) transmitting or receiving data as part of a digital dispatch system; (5) a public safety official while in the performance of their official duties; or (6) using a global positioning system device or an internal global positioning system feature or function of a wireless electronic communication device for the purpose of navigation or obtaining related traffic and road condition information. A violator must be fined not more than twenty-five dollars, no part of which may be suspended. A violator must not be fined more than fifty dollars for any one incident of one or more violations and no court costs, assessments, or surcharges may be assessed against a violator. The legislation prohibits a custodial arrest for a violation, except upon a warrant issued for failure to appear in court when summoned or for failure to pay an imposed fine. A violation of this prohibition on texting while driving does not constitute a criminal



offense, and a violation must not be included in the offender's motor vehicle records maintained by the Department of Motor Vehicles or in the criminal records maintained by SLED and must not be reported to the offender's motor vehicle insurer. Someone may be stopped for a violation only when a law enforcement officer has probable cause that a violation has occurred based on a clear and unobstructed view of a driver making unlawful use of a wireless electronic communication device. A law enforcement officer may not seize, search, view, or require the forfeiture of a wireless electronic communication device because of a violation and is prohibited from searching or requesting to search a motor vehicle, driver, or passenger solely because of a violation of this prohibition on texting while driving. The Department of Public Safety is required to maintain statistical information regarding citations issued. During the first one hundred eighty days after the law goes into effect, law enforcement officers shall issue only warnings for violations. The legislation preempts all local government ordinances, regulations, and resolutions relating to the use of wireless electronic communication devices while driving on the public streets and highways of this state.

The House returned **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, to the Senate with amendments. 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 House returned **S.940** to the Senate with amendments. The legislation broadens eligibility for counties to impose, by referendum, an **EDUCATION CAPITAL IMPROVEMENTS SALES AND USE TAX** to support school construction.

The House returned **S.986**, a bill **ENHANCING PENALTIES FOR HUNTING, FISHING, OR TRAPPING, WITHOUT A LANDOWNER'S CONSENT**, to the Senate with amendments. 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 returned **S.176** to the Senate with amendments. This legislation increases the **TIME PERIOD IN WHICH A MOTION FOR A NEW TRIAL MAY BE MADE IN MAGISTRATES COURT** from five days to thirty days. The increase does not apply to cases involving the ejection of tenants and other landlord and tenant matters.

The House returned **S.440**, legislation relating to **JUVENILES IN RESTRAINT DURING COURT PROCEEDINGS**, to the Senate with amendments. 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.

The House returned **S.872**, a bill relating to the **JOINT CITIZENS AND LEGISLATIVE COMMITTEE ON CHILDREN**, to the Senate with amendments. 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.

The House returned **S.813**, legislation establishing a **CRIMINAL PENALTY FOR FAILING TO COMPLY WITH A WARNING TO STAY OUT OF A LIBRARY**, to the Senate with amendments. The legislation establishes a misdemeanor that applies to someone who enters a public library, without legal cause or good excuse, after having been warned not to do so by the library director, the branch manager, or the acting branch manager of the library in consultation with the library director. The legislation

## Legislative Update, May 27, 2014

includes requirements for issuing written warnings and provides that a violator is subject to a fine of up to two hundred dollars or imprisonment for up to thirty days.

The House returned **S.356**, legislation relating to **NOTARIES PUBLIC**, to the Senate with amendments. 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.

The House returned **S.1026** to the Senate with amendments. 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 House returned **S.1099**, a bill establishing **EXEMPTIONS FROM UNEMPLOYMENT BENEFIT PROVISIONS FOR CONTRACT DRIVERS**, to the Senate with amendments. 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 House returned **S.1100** to the Senate with amendments. This bill revises definitions concerning unemployment benefits and claims to provide that **CORPORATE OFFICERS ARE EXEMPT FROM UNEMPLOYMENT BENEFITS** provisions unless they elect to have coverage and make the requisite payments. 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.

The House returned **S.909** to the Senate with amendments. 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 House appointed members to a conference committee to address its differences with the Senate on **H.3124**, legislation which provides **PROTECTIONS FOR REPORTING CHILD ABUSE OR NEGLECT**.

The House appointed members to a conference committee to address its differences with the Senate on **S.876**, a bill relating to **RESTRICTIONS ON HUNTING DEER NEAR A RESIDENCE**.

The House gave second reading approval to **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.

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

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

**S.1173 SOUTH CAROLINA PRISONER OF WAR 'POW' MEDAL** Sen. Hayes  
This bill creates a South Carolina Prisoner of War 'POW' Medal that the Governor may present on behalf of the people of the State of South Carolina to current and former residents of the state who have been listed as a prisoner of war by the United States Department of Defense.

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