



South Carolina House of Representatives

Legislative Update

Robert W. Harrell, Jr., 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 returned **S.22**, the "**SOUTH CAROLINA RESTRUCTURING ACT OF 2013**", to the Senate with amendments. The bill provides for comprehensive changes to the organization and oversight of state government. The legislation abolishes the State Budget and Control Board and transfers the majority of the board's functions, including facilities management, property services, fleet management, procurement, and human resources responsibilities, to a new Department of Administration that is established in the executive branch and headed by a director who is appointed by the Governor upon the advice and consent of the Senate. A Revenue and Fiscal Affairs Office is created comprising the Board of Economic Advisors and other components of the Budget and Control Board that relate to the preparation of the state government budget, economic research, and precinct demographics. Chaired by the Governor and also composed of the State Treasurer, the Comptroller General, a House Member appointed by the Speaker of the House of Representatives, and a Senator appointed by the President Pro Tempore of the Senate, the South Carolina Contracts and Accountability Authority is established to assume the Budget and Control Board's responsibilities for approving major obligations involving the state's bonded indebtedness and to house the offices of the State Auditor and the State Inspector General. In addition to various restructuring initiatives, the legislation includes new provisions for the legislative oversight of executive departments that empower legislative committees to conduct periodic reviews and launch special investigations for the purpose of determining which state government programs continue to serve worthwhile purposes and which should be scaled back or eliminated altogether. Additionally, the legislation expands the role of the State Auditor to include new responsibilities for conducting performance audits of the state's executive branch and institutions of higher education that evaluate the effectiveness of policies and the efficiency of management practices and fiscal affairs in state government operations.

State Budget and Control Board Abolished

Effective July 1, 2014, the legislation abolishes the State Budget and Control Board, both the agency and the five-member governing authority. The legislation provides for the elimination of at least sixty vacant full time employee positions within the board prior to the devolvement of its duties and functions.

Department of Administration

The legislation establishes the Department of Administration under the executive branch of state government to be headed by a director who is appointed by the Governor upon the advice and consent of the Senate. The following offices, divisions or components of the State Budget and Control Board, Office of Governor, or other agencies are transferred to and incorporated into the Department of Administration:

- Division of General Services including Facilities Management, Business Services together with Fleet Management, and Property Services;
- Office of Human Resources;
- Office of Executive Policy and Programs
- Office of Economic Opportunity;

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- Developmental Disabilities Council;
- Children's Foster Care;
- Veterans Affairs;
- Commission on Women;
- Victims Assistance;
- Division of State Information Technology of the State Budget and Control Board;
- Division of Procurement Services of the State Budget and Control Board;
- Guardian Ad Litem program
- Children's Case Resolution System
- Continuum of Care for Emotionally Disturbed Children
- State Energy Office
- Those portions of the State Budget Office necessary to create an Executive Budget Office

Revenue and Fiscal Affairs Office

The legislation establishes the Revenue and Fiscal Affairs Office to be governed by the three appointed members of the Board of Economic Advisors. The office comprises the Board of Economic Advisors, Office of Research and Statistics and those portions of the Office of State Budget not retained by the Department of Administration for an Executive Budget Office. The legislation provides for the Board of Economic Advisors unanimously to select an Executive Director of the Revenue and Fiscal Affairs Office to serve a four-year term. The executive director may only be removed for malfeasance, misfeasance, incompetency, absenteeism, conflicts of interest, misconduct, persistent neglect of duty in office, or incapacity.

South Carolina Contracts and Accountability Authority

The legislation establishes the five-member South Carolina Contracts and Accountability Authority (SCAA) consisting of the following: (1) the Governor, who shall serve as ex officio as chairman; (2) the State Treasurer, who shall serve ex officio; (3) the Comptroller General, who shall serve ex officio; (4) one member of the House of Representatives, ex officio, appointed by the Speaker of the House of Representatives; and (5) one member of the Senate, ex officio, appointed by the President Pro Tempore of the Senate. The board selects the executive director for a four-year term, and the executive director may only be removed for cause. The legislation devolves functions, powers, duties, responsibilities and authority related to the issuance of bonds and bonding authority to the SCAA. Where the amount of a permanent improvement project is \$500,000 or less and the project requires both the review of the Joint Bond Review Committee and the approval by the former Budget and Control Board, the board's approval responsibilities are devolved upon the Director of the Department of Administration. Where the amount of the project or funding exceeds \$500,000, the former Budget and Control Board's approval responsibilities are devolved upon the SCAA with no prior approval required on the part of the Department of Administration. The legislation establishes within the SCAA the Office of Accountability and Auditing to include the State Auditor's Office. The State Auditor serving in office as of June 30, 2014, shall continue to serve, but any successor must be selected by the SCAA. The State Auditor is designated as the recipient of annual accountability reports. The role of the State Auditor is expanded to include new responsibilities for conducting performance audits of the state's executive branch and institutions of higher education that evaluate the effectiveness of policies and the efficiency of management practices and fiscal

affairs in state government operations. These performance audits of state agencies are to be conducted by the State Auditor upon request of the House Ways and Means Committee or the Senate Finance Committee and audit reports must be submitted to the Governor, the presiding officer of each house of the General Assembly, and the members of any governing body of the agency concerned. The State Inspector General is located within the Office of Accountability and Auditing as an independent agency, except where the law imposes joint responsibilities upon it and the Office of the State Auditor. The Insurance Reserve Fund of the Office of Insurance Services is transferred to the SCAA. The legislation provides for the five-member Procurement Review Panel to be appointed by the SCAA, rather than the Governor.

Other Transfers and Revisions

- The Division of Local Government of the State Budget and Control Board is transferred to the South Carolina Rural Infrastructure Authority.
- The Small and Minority Business Assistance Office is transferred to the Secretary of State's Office as the Division of Small and Minority Business Contracting and Certification. The division is charged with creating a new Uniform Certification System to streamline the certification process and reduce the redundancy in certifying women and minority-owned businesses and create a centralized small and minority business contracting and certification database.
- The South Carolina Confederate Relic Room and Military Museum is transferred from the State Budget and Control Board to be governed by a new nine-member commission composed of gubernatorial and legislative appointees.
- The legislation provides for additional members of the Charleston Naval Complex Redevelopment Authority as well as provisions for the Charleston Naval Base Museum Authority as a division of the Charleston Naval Complex Redevelopment Authority.

Legislative Oversight of Executive Departments

S.22 includes provisions for legislative oversight of executive departments. In order to determine whether laws and programs addressing subjects within the jurisdiction of a legislative committee are being implemented and carried out in accordance with the intent of the General Assembly and whether they should be continued, curtailed, or eliminated, this legislation provides that each standing committee shall review and study on a continuing basis: (1) the application, administration, execution, and effectiveness of laws and programs addressing subjects within its jurisdiction; (2) the organization and operation of state agencies and entities having responsibilities for the administration and execution of laws and programs addressing subjects within its jurisdiction; and (3) any conditions or circumstances that may indicate the necessity or desirability of enacting new or additional legislation addressing subjects within its jurisdiction. The legislation includes provisions for the assignment of agencies to standing committees and for joint investigating committees. Each standing committee must conduct oversight studies and investigations at least once every five years on all agencies within its jurisdiction. Also a standing committee may initiate an oversight study or an investigation of an agency within its jurisdiction. An investigating committee may vest its investigative authority in a subcommittee. The legislation includes provisions detailing how an investigating committee may acquire evidence or information, including requiring an agency to prepare and submit a program evaluation report. The chairman of the investigating

committee may direct the Legislative Audit Council to perform a study of the program evaluation report or to perform its own audit of the program or operations being studied or investigated by the investigating committee. All testimony given to the investigating committee must be under oath. All witnesses are entitled to counsel, and a witness shall be given the benefit of any privilege which he may have claimed in court as a party in a civil action. Anyone who wilfully gives false, materially misleading, or materially incomplete testimony under oath is guilty of the felony offense of contempt of the General Assembly subject to a fine within the discretion of the court and/or imprisonment for not more than five years. The legislation also establishes the felony offense of criminal contempt for persons subpoenaed to attend as a witness before either house of the legislature or a legislative committee.

Assessment of State Government Restructuring

In 2018, the State Auditor is required to conduct a performance review of the provisions of this legislation to determine its effectiveness and achievements with regard to the more efficient performance of the functions and duties of the various agencies and the cost savings and benefits to the state.

The House concurred in Senate amendments to **S.237**, legislation **REVISING THE PROTOCOL FOR FLYING STATE CAPITOL BUILDING FLAGS AT HALF-STAFF IN MEMORY OF FALLEN SOUTH CAROLINA MILITARY**, and enrolled the bill for ratification. The Governor subsequently signed the bill into law. The legislation revises the protocol so that State Capitol Building flags may be flown at half-staff in tribute for a period of five days leading up to the funeral for members of the United States military services who were residents of South Carolina and who lost their lives in the line of duty while in combat. The legislation provides for flags to be hoisted and lowered as many times as is needed if the period of tribute is for multiple individuals. During the time of tribute, those memorialized must be identified on a conspicuous place on the Governor's website.

The House concurred in Senate amendments to **H.3725**, the "**SAFE ACCESS TO VITAL EPINEPHRINE (SAVE) ACT**" and enrolled the bill for ratification. The legislation allows the state's public and private schools to keep supplies of epinephrine auto-injectors, also known as EpiPens, in stock and affords schools greater authority to administer this potentially life-saving medication to those who are experiencing severe allergic reactions. The legislation establishes a protocol that allows physicians and certain other healthcare professionals to prescribe epinephrine auto-injectors maintained in the name of a school as a stock supply to be used by school nurses and other designated school personnel, including employees and volunteers, who have completed required training on the proper use of these epinephrine auto-injectors and how to recognize the symptoms of severe allergic reactions, including anaphylaxis. The governing authority of a school district or private school may authorize school nurses and other designated school personnel to administer an epinephrine auto-injector to a student in accordance with a prescription that is on file or provide an epinephrine auto-injector to a student with such a prescription for self-administration. These approved individuals may also be authorized to administer an epinephrine auto-injector to a student or anyone else on the premises believed to be experiencing anaphylaxis, regardless of prescription. The legislation requires participating school district and private school governing authorities, in consultation with the State Department of Education and the Department of Health and Environmental Control, to implement a plan

for the management of students with life-threatening allergies that must be made available online and must include the education and training required for designated school personnel. The legislation affords certain immunity from legal liability regarding this use of epinephrine auto-injectors in schools. Public school districts and private school governing authorities may enter into agreements with manufacturers of epinephrine auto-injectors or third party suppliers in order to obtain these at fair-market, free, or reduced prices.

The House approved **S.250** and enrolled the bill for ratification. The legislation establishes an **EXEMPTION FOR PUBLIC SCHOOL DISTRICTS AND PUBLIC SCHOOLS FROM CHARITABLE SOLICITATION ACT REGISTRATION REQUIREMENTS**. This public school exemption includes a student organization within the school that does not maintain separate financial accounts or a separate Federal Employer's Identification Number from the school and whose fundraising revenues are deposited in the school's student activity fund. Also exempt are charitable organizations that do not intend to solicit or receive contributions from the public in excess of \$7,500 during a calendar year. These entities are exempt even if they hire various fundraising professionals, but the fundraising professionals must comply with registration and filing requirements.

The House concurred in Senate amendments to **H.3097** and enrolled the bill for ratification. The legislation makes revisions to **DRYCLEANING FACILITY RESTORATION TRUST FUND** provisions that include authorization for the Department of Health and Environmental Control to expend funds, in excess of the property owner's deductible, for the prompt investigation and assessment of contaminated sites.

The House approved **S.643** and enrolled the bill for ratification. The legislation revises a current budget proviso that directs the Department of Education to transfer certain funds to meet **MAINTENANCE OF EFFORT REQUIREMENTS FOR THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT** by eliminating the maximum limitation set on the amount that may be transferred so as to allow for the transfer of all the available funds.

The House approved and sent the Senate **H.3013**, a bill relating to **FREE PUBLIC TRANSPORTATION FOR QUALIFYING VETERANS**. This legislation requires regional transportation authorities to develop and implement programs within their service areas that make public transportation available at no charge for certain qualifying veterans.

The House amended, approved, and sent the Senate **H.3098**, a bill dealing with the rights of **LONG-TERM CARE FACILITY RESIDENTS**. 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 from the date notice was received. 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.

The House amended and gave second reading approval to **S.143**, legislation making **COMPREHENSIVE REVISIONS TO PROBATE AND TRUST CODE PROVISIONS** which have not been updated or revised in a systematic fashion in several decades. The legislation does not revise the statutes governing guardians, conservators, and powers of attorneys.

HOUSE COMMITTEE ACTION

JUDICIARY

The full Judiciary Committee met on Tuesday, May 14, and gave a favorable report to four bills.

S.382 received a favorable report. This legislation makes revisions pertaining to the regulation of **AUTOMOBILE MANUFACTURERS, DISTRIBUTORS AND DEALERS**. The legislation defines the terms 'due cause' and material breach' as these terms relate to the regulation of manufacturers, distributors, and dealers. The legislation provides additional unfair methods of competition by prohibiting manufacturers, distributors, and wholesalers from requiring or coercing a motor vehicle dealer (1) to sell an extended service or maintenance plan, financial product, or insurance product that is offered or sold or sponsored by the manufacturer, distributor, or wholesaler; or (2) to sell, assign, or transfer any retail installment contract or lease to a specified financial or leasing company, or any other specified person. In the event of dealer death or incapacity, the legislation prohibits a manufacturer from preventing a motor vehicle dealer from designating a successor to the dealership. The legislation makes revisions pertaining to approval of warranty claims by manufacturer; the legislation provides that any claim not specifically disapproved in writing within 30 days of receipt shall be construed as approved and payment must follow within 30 days. Any disapproval must be based on a material defect and a manufacturer may not disapprove a claim for which the motor vehicle dealer has received preauthorization or based on an incidental clerical or administrative error. The legislation makes revisions pertaining to termination of a franchise agreement; among other things, the legislation provides that a manufacturer may not terminate or cancel a franchise or selling agreement of a motor vehicle without due cause and provides that the nonrenewal of a franchise or selling agreement, without due cause, constitutes an unfair termination or cancellation regardless of the terms of the franchise or selling agreement. With regards to dealer performance standards, the legislation provides that a performance standard or other program for measuring dealership performance that may have a material effect on a motor vehicle dealer must be fair, reasonable, equitable, based on accurate information and uniformly applied; and dealer area of responsibility. If a motor vehicle dealer protests a new standard, the burden of proof is on the manufacturer to show that a new performance standard is reasonable under market conditions. The legislation prohibits a manufacturer or distributor from unreasonably altering a new motor vehicle dealer's area of responsibility.

The Judiciary Committee gave a favorable report to **S.323**, legislation which makes **REVISIONS TO ARTICLE 9 OF THE UNIFORM COMMERCIAL CODE PERTAINING TO SECURED TRANSACTIONS**. Article 9 of the Uniform Commercial Code applies to

transactions in which the parties intend to create a security interest in personal property. South Carolina last substantially amended these provisions in 2001, and since then several technical changes have been recognized as needed. This legislation updates Article 9 with amendments proposed by the Uniform Law Commission. This legislation responds to filing issues and addresses other matters that have arisen including providing greater guidance as to the name of an individual debtor to be provided on a financing statement.

S.221, pertaining to **COMMERCIAL CODE FUNDS TRANSFERS**, received a favorable report. The legislation clarifies a legal uncertainty that has arisen as a result of the passage of the federal Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act) and its amendment to the Electronic Funds Transfer Act (EFTA). The Dodd-Frank Act created remittance transfers, which are electronic transfers of funds requested by a sender located in any state to a designated recipient, usually in another state or country. The Uniform Commercial Code Article 4A usually governs only commercial electronic transfer transactions, and the EFTA usually governs only consumer transactions. However, some remittance transfers that begin as a consumer transaction may become a commercial transfer. This legislation clarifies which provisions apply to electronic transfers of funds, so all remittance transfers are covered by either the EFTA or the Uniform Commercial Code.

H.3823, relating to **CONTROLLED SUBSTANCES**, received a favorable report. This legislation alphabetizes listings to drugs designated as controlled substances and adds drugs to these designations to conform to federal drug designations and designations of adjacent states in order to enhance and improve illicit drug enforcement.

LABOR, COMMERCE AND INDUSTRY

The full Labor, Commerce and Industry Committee met on Thursday, May 16, and reported out several bills.

The committee gave a favorable report on **S.417**, the “**MILITARY SERVICE OCCUPATION, EDUCATION, AND CREDENTIALING ACT**”. The legislation authorizes a state-supported-post-secondary educational institution, including a technical and comprehensive educational institution, to award educational credit to a student honorably discharged from the Armed Forces of the United States for a course that is part of the military training or service of the student, provided: (1) the award must be made within three years after the enrollment of the student at the institution; (2) the course meets the standards of the American Council of Education or equivalent standards for awarding academic credit; and (3) the award is based upon the admissions standards, role, scope, and mission of the institution. The legislation provides an individual is exempt from completing continuing education requirements for his professional or occupational licensing while serving on active military duty. The legislation also allows military personnel who come to the state through duty assignment to avail themselves of the provisions for obtaining temporary professional and occupational licenses that have been established to assist military spouses to continue their careers following relocation. Professional and occupational boards and commissions are provided new authority to accept the education, training, and experience completed by an individual as a member of the Armed Forces or Reserves of

the United States, National Guard of any state, the Military Reserves of any state, or the Naval Militias of any state and apply it in the manner most favorable toward satisfying the qualifications for issuance of a professional or occupational license or certification in this state.

The committee gave a favorable report on **S.438**, a bill providing for a **PROHIBITION ON AWARDING PUBLIC BUILDING CONTRACTS AND GOVERNMENTAL INCENTIVES THAT ARE CONTINGENT UPON PROJECT LABOR AGREEMENTS**. The legislation provides that state and local governmental entities are prohibited from making the award of a contract for the construction, repair, remodeling, or demolition of a public building conditional upon adherence to an agreement with one or more labor organizations in regard to that project or a related construction project. These governmental entities are prohibited from discriminating against a bidder, offeror, contractor, or subcontractor based upon project-related labor union agreements. The presence or absence of labor union agreements must not be a condition for the award of construction-related governmental grants, tax abatements, and tax credits.

The committee gave a favorable report on **S.464**, a bill providing for an **INCREASE IN AUTOMOBILE INSURANCE REQUIRED MINIMUM COVERAGE**. This legislation revises the mandatory uninsured motorist provision for automobile insurance policies, so as to increase the minimum coverage to twenty-five thousand dollars because of bodily injury to or death of one person in any one accident.

The committee gave a report of favorable with amendments on **S.530**, a bill relating to **CLOSED PANEL HEALTH INSURANCE PLANS** offered by employers. This legislation eliminates the requirement that an employer who employs more than fifty eligible employees and who offers to employees major medical, hospitalization, and surgical health insurance coverage only under a closed panel health plan must also offer its employees a point-of-service option for this health insurance coverage. The legislation provides that differences between coinsurance percentages for in-network and out-of-network covered health care services or supplies in a point-of-service option may not exceed a maximum differential of thirty percent, rather than the current twenty percent. The legislation adds physical therapists and occupational therapists to the list of providers who cannot be discriminated against by being excluded from participation in a point-of-service option or closed panel health plan.

The committee gave a favorable report on **S.465**, a bill relating to **SMALL EMPLOYER HEALTH INSURANCE AVAILABILITY ACT ELIGIBILITY**. This legislation revises the definition of an "eligible employee" under the Small Employer Health Insurance Availability Act as it relates to someone who works on a full-time basis and has a normal workweek of thirty or more hours.

The committee gave a report of favorable with amendments on **S.460**. The legislation revises provisions governing the **APPROVAL OF NONADMITTED INSURERS TO WRITE SURPLUS LINES INSURANCE** in the state, including a revision to the duty of due care requirements that a surplus lines insurance broker must exercise when placing business with nonadmitted insurers for an exempt commercial purchaser.

The committee gave a favorable report on **S.96**. This bill increases from six to eight the number of members on the **SOUTH CAROLINA COMMISSIONERS OF PILOTAGE FOR THE UPPER COASTAL AREA**, providing for two additional members to be

appointed by the Governor upon the recommendation of the Georgetown County Legislative Delegation.

MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

The full Medical, Military, Public and Municipal Affairs Committee met on Tuesday, May 14, 2013.

The committee gave a favorable recommendation to **S.214**, a bill that restructures the **ADVISORY PANEL FOR MASSAGE AND BODYWORK THERAPY** under the Department of Labor, Licensing and Regulation, to be known as the Panel. The legislation merges the massage panel and the therapy panel and deletes definitions relating to the advisory and disciplinary panels. The legislation revises qualifications for panel members and provides for compensation. The legislation also requires classroom study instead of supervised study and adds two national exams before being licensed by the department as a massage/bodywork therapist.

BILLS INTRODUCED IN THE HOUSE THIS WEEK

AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

S.503 "BEACH PRESERVATION ACT" Sen. Thurmond

This bill enacts the "Beach Preservation Act". This Act allows a qualified coastal municipality to impose a fee not to exceed one percent on the gross proceeds derived from the rental or charges for accommodations furnished to transients subject to the municipality's local accommodations tax.

S.635 FORESTRY Sen. Shealy

The bill states that a major facility project requesting third-party certification shall not be allowed to seek a rating point that would discriminate against wood products of this state derived from forest lands certified by the Sustainable Forestry Initiative or the American Tree Farm System.

S.639 SOUTH CAROLINA TO MANAGE DOUBLE-CRESTED CORMORANTS Sen. McElveen

The concurrent resolution memorializes the United States Congress to enact legislation, and the United States Fish and Wildlife Service to promulgate regulations authorizing the state of South Carolina to manage double-crested cormorants. Cormorants are fairly large family of fish-eaters residing along freshwater and saltwater shores.

S.641 *FALCONRY IN SOUTH CAROLINA* Sen. Campsen

This joint resolution makes it lawful to engage in falconry in South Carolina January 1, 2014 through December 31, 2014. Falconry is 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 bald eagle).

EDUCATION AND PUBLIC WORKS

S.642 *SCHOOL DISTRICTS ENCOURAGED TO AVAIL THEMSELVES OF ALL ENERGY INCENTIVES AND REBATES* Sen. Cleary

This is a concurrent resolution to encourage school districts to avail themselves of all available energy efficiency incentives and rebates provided by their local utilities.

H.4135 *DISTRACTED DRIVING* Rep. Crosby

This legislation provides that it is unlawful to drive a motor vehicle while engaged in any activity that materially and appreciably impairs a driver's faculties to drive a motor vehicle. A person who violates this provision is guilty of driving while distracted and, upon conviction, must be fined not more than \$500. A law enforcement officer may not charge a driver with a violation of this provision unless the driver is observed violating another motor vehicle offense due to his being distracted by activities performed in the motor vehicle. A law enforcement officer may issue a warning ticket to a driver whose actions could result in a distracted driving violation.

JUDICIARY

S.142 *REVISIONS TO THE "OMNIBUS CRIME REDUCTION AND SENTENCING REFORM ACT OF 2010"* Sen. Malloy

This legislation makes revisions to the "Omnibus Crime Reduction and Sentencing Reform Act of 2010". Various revisions include the following: restructures the degrees of arson; clarifies that possession of firearms by persons who have committed violent crimes is prohibited whether a judge made a specific finding on the record or not; includes provisions for a law enforcement agency that receives a firearm or ammunition to administratively release the firearm or ammunition to an innocent owner; clarifies that possession of firearms by persons on parole or probation is prohibited; clarifies that magistrates may punish breaches of the peace by a fine or term of imprisonment or both; revises the Youthful Offender Act with regards to expungement of records as well as burglary in the second degree; allows the Department of Probation, Parole and Pardon Services' (PPP) written notice of petition for civil contempt, scheduled hearings or proceeding, or any other event or modification associated with administrative monitoring to be effective 10 days after mailed; allows PPP to award compliance credit for substantial fulfillment of supervision conditions; makes drug statutes consistent; provides that trafficking in controlled substances is a prior offense; revises the penalty for driving under suspension third offense; and provides that the annual one week driver's license suspension amnesty period does not include certain offenses like felony driving under the influence.

S.380 GOVERNMENTAL ENTITY NOT LIABLE FOR A LOSS RESULTING FROM AN OPERATOR OR DRIVER OF AN EMERGENCY MEDICAL VEHICLE Sen. L. Martin

This legislation makes revisions to the South Carolina Tort Claims Act. The legislation provides that a governmental entity is not liable for a loss resulting from an operator or driver of an emergency medical vehicle while operating or driving the emergency medical vehicle in providing emergency services, unless the vehicle is operated or driven in a grossly negligent manner.

H.4116 SMOKING Rep. Quinn

This legislation amends the Clean Indoor Act. The legislation specifies that smoking is permitted in cigar bars and defines cigar bars.

H.4125 MUNICIPALITIES PROHIBITED FROM MAKING THE PROVISION OF UTILITY SERVICES TO AN AREA CONTINGENT UPON THE ANNEXATION OF THAT AREA Rep. Nanney

This legislation prohibits a city or town from requiring annexation of property located outside the corporate limits of the municipality in exchange for providing utility services to the property.

H.4130 INCREASED PENALTIES FOR CERTAIN OFFENSES RELATING TO POLICE AND SERVICE ANIMALS Rep. Horne

Relating to penalties associated with maltreating, injuring, or killing police dogs and horses, this legislation increases the fines and penalties, provides for mandatory minimum penalties, consecutive service of sentences, and allows for restitution to the appropriate law enforcement agency. Relating to a person with reckless disregard injuring, disabling, or causing the death of a guide dog or service animal, this legislation increases the penalties for violations. Relating to a person intentionally injuring, disabling, or causing the death of a guide dog or service animal, the legislation increases the penalties for violations.

H.4132 ACTIONS FOR DAMAGES RELATING TO PROFESSIONAL NEGLIGENCE AGAINST A PROFESSIONAL LICENSED OR REGISTERED BY THE STATE Rep. Atwater

This legislation pertains to actions for damages relating to professional negligence against a professional licensed or registered by the state. The legislation requires that the affidavit of an expert witness must specify each negligent act or omission claimed to exist, the damages proximately caused from each negligent act or omission, and the factual basis for each negligent act or omission, damages, and proximate cause based on the available evidence at the time of the filing of the affidavit.

H.4136 WHOLESALERS OF ALCOHOLIC LIQUORS, WINE AND BEER ALLOWED TO MAKE DONATIONS Rep. Ballentine

This legislation allows wholesalers of alcoholic liquors, wine, and beer to donate these items to certain nonprofit organizations and to a political party, its affiliate, and a candidate campaign committee registered with the State Ethics Commission for the sole purpose of consumption at a licensed event. The legislation provides for the acceptance of the donated products, and it further provides that all donated products not consumed at the event must be returned to the wholesalers upon the conclusion of the event.

H.4145 IMMUNITY FROM LIABILITY FOR PERSONS WHO RENDER EMERGENCY CARE AT THE SCENE OF AN ACCIDENT OR EMERGENCY Rep. Goldfinch

This legislation relates to immunity from liability for persons who render emergency care at the scene of an accident or emergency. The legislation clarifies that the immunity extends to the administration of life-saving procedures such as CPR and extends this immunity to the employer of a CPR certified employee whose life-saving acts are immune from liability.

LABOR, COMMERCE AND INDUSTRY

**S.348 REQUIREMENTS FOR NEW WOOD-BURNING FIREPLACES
Sen. L. Martin**

This bill provides that, notwithstanding provisions of the 2009 Edition of the International Energy Conservation Code, new wood-burning fireplaces shall have tight-fitting flue dampers and outdoor combustion air.

H.4131 MUNICIPALITIES PROHIBITED FROM MAKING THE PROVISION OF UTILITY SERVICES TO AN AREA CONTINGENT UPON THE ANNEXATION OF THAT AREA Rep. G. M. Smith

This bill provides that a city or town may not require annexation of property located outside the corporate limits of the municipality in exchange for providing utility services to the property.

MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

H.4124 ANNEXATION OF SPECIAL PURPOSE DISTRICTS Rep. Nanney

Unless the municipality demonstrates imminent danger to a person and property within the annexed area, the municipality may not displace the services of a special purpose district, a special taxing district, an assessment district or special taxing or assessment district. The municipality shall allow the district to continue providing service and collecting millage within the district's annexed area.

WAYS AND MEANS

S.535 "THE CLEMSON UNIVERSITY ENTERPRISE ACT" Sen. Peeler

This bill enacts "The Clemson University Enterprise Act", to provide authorization for the Board of Trustees of Clemson University to establish, by resolution, an Enterprise Division as part of Clemson University devoted to enterprise activities primarily related to economic development, graduate level research related to economic development, and athletics. The legislation provides that certain assets, programs, and operations of Clemson University may be transferred to the Enterprise Division. The legislation establishes certain exemptions for the Enterprise Division from various state laws governing procurement, human resources, personnel, and disposition of real and

personal property. The legislation establishes authority for bonds, notes, or other evidence of indebtedness to be issued for the Enterprise Division and provides audit and reporting requirements.

H.4115 EXTENSION OF THE OWNER-OCCUPIED RESIDENTIAL PROPERTY TAX ASSESSMENT RATIO WHEN THE PROPERTY OWNER LEAVES THE RESIDENCE TO ENTER A LONG-TERM CARE FACILITY

Rep. Finlay

This bill provides that if an owner-occupied residential property lawfully receiving the special four percent owner-occupied residential property tax assessment ratio should be no longer be eligible for that special assessment ratio because the owner has left the residence to enter a long-term care facility, then the residence retains the four percent assessment ratio and any exemptions the former occupant of the residence was eligible for at the time of entering the long-term care facility for the shorter of the end of the second property tax year succeeding the property tax year during which the occupant entered the long-term care facility or the end of the property tax year in which the residential property undergoes an assessable transfer of interest. The residence does not qualify for this treatment if it produces rental income.

H.4122 “ENHANCED REDEVELOPMENT ACT FOR COUNTIES” Rep. Simrill

This bill revises the Tax Increment Finance Act for Counties, redesignating it the “Enhanced Redevelopment Act for Counties”. The legislation’s revisions allow for a redevelopment project to be funded with a percentage of sales tax revenue within the district so long as the percentage is approved by the local governing body and the State Budget and Control Board. The legislation specifies the manner in which surplus funds are distributed and establishes the manner in which the redevelopment plan is adopted and its revenues are expended.

H.4126 STATE AGENCIES REQUIRED TO USE A SINGLE THIRD PARTY ORIGINAL SOURCE COMPILER AND PUBLISHER OF UNENCUMBERED

ADDRESS DATA Rep. Loftis

This bill requires all state agencies to use a single third party original source compiler and publisher of unencumbered address data for purposes of validating and verifying state residents, households, and businesses. The legislation requires that each resident, household, and business must contain a unique and persistent identification number. The Chief Information Officer of the State Budget and Control Board, with the input of affected agencies, is directed to procure such a compiler and publisher in the manner required by the South Carolina Consolidated Procurement Code.

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