



South Carolina House of Representatives

Legislative Update

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

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HOUSE WEEK IN REVIEW

The House of Representatives concurred in Senate amendments to **H.3152**, a **PROPOSED CONSTITUTIONAL AMENDMENT ALLOWING THE JOINT ELECTION OF THE GOVERNOR AND THE LIEUTENANT GOVERNOR**, and enrolled the joint resolution for ratification. Under the proposed amendment to the South Carolina Constitution, a gubernatorial candidate would select 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 proposes to revise 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 proposal eliminates the Lieutenant Governor's authority to serve as President of the Senate and cast tie-breaking votes in that body. Instead, the Senate would, every four years, elect from among its members a President to preside over the Senate and perform other duties as provided by law. The proposal 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 proposed constitutional amendment is to be placed on the ballot at the upcoming general election and, should the proposal be approved by the state's voters in November and subsequently ratified by the General Assembly, the joint election of the Governor and Lieutenant Governor, along with the other changes, would commence with the 2018 general election.

The House concurred in Senate amendments to **H.4761**, a bill revising **FARM TRUCK AND COMMERCIAL MOTOR VEHICLE PROVISIONS**, and enrolled the bill for ratification. The legislation revises definitions and other provisions so that farm trucks and other smaller, lighter commercial vehicles and trailers will not be subject to the more stringent requirements that new Federal Motor Carrier Safety Regulations impose upon commercial trucks. The legislation also specifies that the Transport Police Division of the Department of Public Safety has exclusive authority in this state for enforcement of the commercial motor vehicle carrier laws, which include Federal Motor Carrier Safety Regulations, Hazardous Material Regulations, and size and weight laws and regulations.

The House approved **S.1149**, the "**BORN ALIVE INFANT PROTECTION ACT**", and enrolled the bill for ratification. This legislation provides that, in determining the meaning of any act or joint resolution of the General Assembly or any regulation, the words 'person', 'human being', 'child', and 'individual' must, unless otherwise defined, include every infant member of the species homo sapiens who is born alive at any stage of development. The term 'born alive', with respect to a member of the species homo sapiens, means the complete expulsion or extraction from the mother of that member, at any stage of development, who after the expulsion or extraction breathes or has a beating heart, pulsation of the umbilical cord, or definite movement of voluntary muscles, regardless of whether the umbilical cord has been cut, and regardless of whether the expulsion or extraction occurs as a result of natural or induced labor, cesarean section, or induced abortion. Nothing in this legislation may be construed to affirm, deny,

expand, or contract any legal status or legal right applicable to any member of the species homo sapiens at any point before being born alive.

The House insisted upon its amendments to H.3066, the “**SOUTH CAROLINA RESTRUCTURING ACT OF 2012**”, and appointed a conference committee to address its differences with the Senate on the legislation.

The House did not concur in Senate amendments to H.3730, legislation that provides for **COMMERCIAL FUR LICENSES** and makes other revisions relating to hunting and trapping. A conference committee was appointed to address differences with the Senate on the legislation.

The House returned S.105, which creates an **AGRITOURISM AND TOURISM ORIENTED SIGNAGE PROGRAM**, to the Senate with amendments. This legislation directs the Department of Transportation (DOT) to create and supervise a coordinated, self-funded, statewide program providing directional signs along the state’s major rural highways and non-interstate scenic byways leading to tourism and agritourism-oriented facilities. Participating facilities are responsible for the cost of the signs and their installation and maintenance. The statewide program shall be operated according to standards and regulations consistent with the Manual on Uniform Traffic Control Devices authorized to be adopted and promulgated by DOT. DOT shall coordinate with the Department of Agriculture and the Department of Parks, Recreation and Tourism (PRT) to allow those departments to promote tourism and agritourism facilities participating in this directional signage program. The criteria for selection of qualified agritourism facilities shall be recommended by the Department of Agriculture and the criteria for the selection of qualified tourism facilities shall be recommended by PRT to be incorporated into DOT regulations. The approval of applications for signs for agritourism and tourism oriented facilities must be determined by an oversight committee composed of representatives from these government agencies and representatives from the state’s tourism and outdoor advertising industries. The Department of Agriculture and PRT must develop logos to be utilized for the signage. These logos may be used by the departments for other promotional purposes associated with tourism and agritourism. S.105 also provides that it is **UNLAWFUL FOR ANY PERSON TO CAMP, SET FIRES, OR COOK ON A HIGHWAY**. A violation is a misdemeanor punishable by a fine of up to \$100, or imprisonment of not more than 30 days, or such other lesser disposition, penalty, or non penalty as the court determines.

The House concurred in Senate amendments to H.3417, relating to the authority to establish **SPECIAL PURPOSE OR PUBLIC SERVICE DISTRICTS**, and enrolled the bill for ratification. This legislation authorizes the formation of a fire protection district with or without rescue response services related to the provision of fire services.

The House concurred in Senate amendments to H.3259, which pertains to **OPERATING GOLF CARTS ALONG THE STATE’S HIGHWAYS**, and enrolled the bill for ratification. The legislation establishes a procedure that authorizes golf cart owners to obtain a permit decal and registration from the Department of Motor Vehicles, upon presenting proof of ownership and liability insurance for the golf cart and upon payment of a five dollar fee, which allows for the limited operation of the golf cart during daylight hours on a secondary highway or street for which the posted speed limit is no more than thirty-five miles an hour within a set area that is nearby their residence, nearby the entrance to

their gated community, or on an island that is not accessible by a bridge designed for use by automobiles.

HOUSE COMMITTEE ACTION

LABOR, COMMERCE AND INDUSTRY

The full Labor, Commerce and Industry Committee met on May 17 and reported out several bills.

The committee gave a report of favorable with amendments on **S.836**. This bill enacts an **INTERSTATE HEALTHCARE COMPACT** and enters South Carolina into the compact along with any other states legally joining the compact by the adoption of similar legislation. Member states shall take joint and separate action to secure congressional consent to this compact in order to return the authority to regulate health care to the member states. The legislation provides that the legislature of each member state has the primary responsibility to regulate health care in their state. Each member state, within its jurisdiction, may enact legislation to suspend the operation of all federal laws, rules, regulations, and orders regarding health care that are inconsistent with those adopted by the member state pursuant to this compact. Each federal fiscal year, each member state shall have the right to federal monies up to an amount equal to its member state current year funding level for that federal fiscal year, funded by Congress as mandatory spending and not subject to annual appropriation, to support the exercise of member state authority under this compact. This funding shall not be conditional on any action of or regulation, policy, law, or rule being adopted by the member state. The legislation establishes an Interstate Advisory Health Care Commission and provides for its membership and responsibilities.

The committee gave a favorable report on **S.102**, a bill establishing a **PROHIBITION ON ABORTION COVERAGE OFFERED THROUGH A HEALTH INSURANCE EXCHANGE**. This legislation provides that abortion coverage may not be provided by a qualified health plan offered by a health insurer through a health insurance exchange created pursuant to the federal 'Patient Protection and Affordable Care Act'. This prohibition applies to group health plans as defined in the Employee Retirement Income Security Act of 1974 and health maintenance organizations. This limitation does not apply to an abortion performed when the life of the mother is endangered by a physical disorder, physical illness, or physical injury, including a life-endangering physical condition caused by or arising from the pregnancy, or when the pregnancy is the result of rape or incest.

The committee gave a report of favorable with amendments on **S.1269**, a bill establishing **PHARMACY AUDIT RIGHTS**. The legislation establishes the rights of a pharmacy when undergoing an audit of its records conducted by a managed care company, insurance company, third-party payer, or any entity that represents a responsible party. These rights address time limitations, auditing standards, access to records, limitations on recoupment of funds, and access to an appeals process. These provisions do not apply to an audit, review, or investigation conducted by or on the behalf of the Department of Health and Human Services in the performance of its duties

in administering Medicaid Program or that involves alleged insurance fraud or abuse, Medicare fraud or abuse, or other fraud or misrepresentation.

The committee gave a report of favorable with amendments on **S.1419**, a bill revising provisions relating to insurance brokers and **SURPLUS LINES INSURANCE**. The legislation provides that the revenue collected from the broker's premium tax rate must be credited to a special earmarked fund and provides the manner in which the fund may be used and disbursed. The legislation authorizes the director of the Department of Insurance to conduct examinations of broker records and allows the department to promulgate necessary regulations. The legislation provides the manner in which the Nonadmitted and Reinsurance Reform Act of 2010 may be implemented. For the purposes of carrying out the Nonadmitted and Reinsurance Reform Act of 2010, the director of the Department of Insurance or his designee may enter to in an agreement with a single state to facilitate the collection, allocation, and disbursement of premium taxes attributable to the placement of surplus lines insurance, provide for uniform methods of allocation and reporting among surplus lines insurance risk classifications, and share information among states relating to surplus lines insurance premium taxes. The legislation provides authority to participate in a clearing house established through a multistate agreement approved by the General Assembly for the purpose of collecting and disbursing to reciprocal states any funds collected that relate to properties, risks, or exposures located or to be performed outside of this State. To the extent that other states where portions of the properties, risks, or exposures reside have failed to enter into an agreement or reciprocal allocation procedure with this State, the net premium tax collected shall be retained by this State. The legislation revises provisions relating to municipal license fees and taxes, so as to disallow a municipality from charging an additional license fee or tax based upon a percentage of premiums for purposes of surplus lines insurance.

The committee gave a report of favorable with amendments on **S.1229**, a bill establishing an **EXEMPTION FROM INSURANCE ADJUSTER LICENSING PROVISIONS** covering those entering data into a portable electronics insurance automated claims adjudication system and other support staff for such automated systems, so long as no more than twenty-five such persons are under the supervision of a licensed adjuster or a licensed producer who is otherwise exempt licensure as an adjuster.

BILLS INTRODUCED IN THE HOUSE THIS WEEK

EDUCATION AND PUBLIC WORKS

S.1469 BOARD OF EDUCATION OF DARLINGTON COUNTY Sen. Malloy
Relating to the Board of Education of Darlington County, this legislation restricts the authority of the board to increase the tax levy without the approval of a vote of the county electorate.

JUDICIARY

S.390 CRIMINAL RECORDS SEARCHES FOR CHARITABLE ORGANIZATIONS Sen. Lourie

Current law allows certain charitable organizations to be charged an eight dollar fee for criminal records searches. This legislation provides that an organization that is authorized to receive the reduced fee shall not charge the volunteer, mentor, member, or employee more than eight dollars or any additional fee that is not required by the State Law Enforcement Division. All criminal record searches conducted must be for a volunteer, mentor, member, or employee performing in an official capacity of the organization and must not be resold. The legislation also clarifies that a charitable organization means, among other things, local parks and recreation volunteers through a commission, municipality, or county.

H.5284 PROCEDURE FOR A CANDIDATE TO FILE AND RUN FOR PARTISAN OFFICES IN A PRIMARY AND GENERAL ELECTION Rep. Pitts

Relating to the procedure for a candidate to file and run for partisan offices in a primary and general election, this legislation allows the governing body of a county to transfer all responsibilities for candidate filing and qualification from the respective county party chairmen or county executive party committees to the authority charged by law with conducting the election.

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