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Legislative update

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South Carolina House of Representatives

Legislative Update

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

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CONTENTS

HOUSE WEEK IN REVIEW	02
BILLS INTRODUCED IN THE HOUSE THIS WEEK.....	10

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

HOUSE WEEK IN REVIEW

The House of Representatives amended, approved, and sent the Senate H.3945, comprehensive **ETHICS REFORM** legislation. The legislation revises the means of investigating allegations of legislator misconduct by replacing the current system where the House and Senate have exclusive authority over disciplining their own members and, instead, referring such matters to a new bipartisan Joint Ethics Committee, composed of not only of Senators and House Members but also non-legislators selected from the general public. The Joint Committee on Ethics is composed of sixteen members: four Senators elected by the Senate; four House Members elected by the House of Representatives; and eight members who may not be members of the General Assembly or other public officials, four of whom must be elected by the Senate and four of whom must be elected by the House of Representatives. In the case of all the positions that a legislative body elects to the joint committee, half must be recommended by the body's majority party caucus and half must be recommended by the minority party caucus.

The legislation creates a South Carolina Public Integrity Unit to maximize existing resources, expertise, and available information to coordinate investigations of alleged government corruption, unethical conduct, and violations of the public trust, all of which are imperative to preserving the faith of the public in its institutions. The Public Integrity Unit is established as an investigative partnership composed of six partner members: (1) the Attorney General; (2) the Chief of the State Law Enforcement Division; (3) the Director of the Department of Revenue; (4) the Executive Director of the South Carolina Ethics Commission; (5) the Chairman of the Joint Committee on Ethics; and (6) the Inspector General. The members may provide staff from their respective agencies for the unit as necessary. The Public Integrity Unit accepts investigations by referral only and does not address complaints from the general public. The unit is established to receive allegations of criminal conduct from partner members, an appropriate supervisory office, or any other state agency authorized to receive complaints against public employees, officers, or officials. Completed investigations that substantiate serious criminal conduct may be provided directly to the Attorney General or a solicitor. Substantiated investigations not undertaken by the Attorney General or a solicitor, substantiated investigations deemed procedural errors, or unsubstantiated investigations must be returned to those that made the referral. The Public Integrity Unit is to be dissolved in ten years unless reauthorized by the General Assembly.

The legislation revises what a public official must disclose on a statement of economic interests. The legislation establishes requirements for disclosing the sources of private income that exceed \$2,500. The legislation requires disclosure of the specific source and amount of income received by a public official, a member of the public official's immediate family, or a business with which the public official is associated if the public official directly derives income from a contractual or financial relationship, including a consultant or independent contractor relationship, with a lobbyist's principal. The legislation requires disclosure of the name of any governmental entity at the state level, if the filer is a state public official, or at the local level, if the filer is a local public official, from which the filer directly derives income from a contractual or financial relationship, including a consultant or independent contractor relationship, between that

Legislative Update, May 7, 2013

governmental entity and that public official, a member of the public official's immediate family, or a business with which the public official is associated.

The legislation expands regulation of lobbying to include activity at local levels of government (county, municipal and school board).

The legislation requires members of the General Assembly to offer detail on the potential conflict of interest that prompts them to recuse themselves from casting a vote or taking another official action. Also, the legislation requires public officials that are required to recuse themselves from votes to do so at all levels of consideration. The legislation provides that a public official, including members of the General Assembly, or a public employee, may not take a vote on or take an action on a matter in which he, an immediate family member, or a business with which he is associated, has a known financial interest.

The legislation authorizes public officials to represent clients before agencies if the matter can ultimately become a contested case and is, therefore, subject to review by the judicial system.

Currently, a candidate, committee, or ballot measure committee must maintain and preserve an account the occupation of each person making a contribution. The legislation provides that a written request for this information shall satisfy.

The legislation provides that during the 20 day period prior to an election, a candidate, committee or ballot committee must electronically report a information about a contribution of more than \$250 or a contribution of less than \$250 when combined with all other contributions accepted from the person during the period have not been reported, exceed \$250. This electronic report must be made within forty-eight hours after receipt.

The legislation discontinues the use of what are commonly referred to as leadership PACs by prohibiting contributions from such political action committees.

The legislation provides that contributions received to retire campaign debt must be used for this purpose only.

The legislation prohibits campaign funds from being used to pay penalties and fines issued by the State Ethics Commission or the Joint Committee on Ethics pursuant to a finding of misconduct, or levied by a court as a result of any criminal convictions

H.3945 prohibits the head of any state agency or department who is selected by the Governor, General Assembly or an appointed or elected board from engaging in fundraising activity.

The House concurred in Senate amendments to **H.3560** and enrolled the bill for ratification. The legislation establishes a new statewide **MENTAL HEALTH ADJUDICATION AND COMMITMENT REPORTING** initiative to compile information that is to be used to preclude firearms purchases and disallow concealed weapons permits for those who have been committed to mental institutions, have been found insane by a criminal court, or have otherwise been officially designated as mentally defective by a court. The legislation's Mental Health Adjudication and Commitment

Legislative Update, May 7, 2013

Reporting initiative requires the Judicial Department and the State Law Enforcement Division (SLED) to work in conjunction to compile information regarding those who have been adjudicated as a mental defective or who have been committed to a mental institution. Adjudication as a mental defective involves a court making a determination that a person, as a result of marked subnormal intelligence, mental illness, mental incompetency, mental condition, or mental disease, is a danger to himself or to others or lacks the mental capacity to contract or manage his own affairs. This determination includes a finding of insanity by a court in a criminal case as well as a finding that someone is incompetent to stand trial or is not guilty by reason of insanity. Information amassed on those committed to mental institutions involve all formal commitments by courts, including all involuntary commitments, to mental hospitals, sanitariums, psychiatric wards, and other mental health facilities for mental illness, mental defectiveness, and other reasons, such as for drug use. This does not apply to voluntary admissions or to someone who is in a mental institution for observation. Information relating to a person's diagnosis or treatment may not be submitted and confidentiality provisions are included relating to submitted information. Courts must submit information on individuals who have been adjudicated as a mental defective and those who have been committed to a mental institution to SLED on an ongoing basis, and SLED is required to transmit the information to the National Instant Criminal Background Check System, which is used by federal firearms licensees to determine instantly whether a prospective buyer is eligible to buy firearms. The legislation provides that persons adjudicated as mental defective or who have been committed to a mental institution are prohibited from shipping, transporting, possessing or receiving firearms or ammunition under state law, as in federal law. Additionally, SLED must review the state's concealed weapons permit holder list to determine if a person adjudicated as a mental defective or someone who has been committed to a mental institution possesses a current concealed weapons permit. If the review reveals that such an individual holds a concealed weapons permit, the permit is revoked and must be surrendered to law enforcement. Procedures are included for law enforcement to retrieve the permit should the holder fail to return it within ten days of being notified of its revocation. An appeals process is included that allows someone to petition the court to remove a firearms and ammunition prohibition.

The House did not concur in Senate amendments to **S.2**, a bill providing **ELECTION LAW REFORM** measures, and a conference committee was appointed to address differences with the Senate on the legislation.

The House approved and sent the Senate **H.3176**, legislation making **ELECTION LAW REVISIONS** including new **EARLY VOTING PROVISIONS**.

The House approved and sent the Senate **H.3101**, legislation **PROHIBITING THE ENFORCEMENT OF THE FEDERAL PATIENT PROTECTION AND AFFORDABLE CARE ACT IN THE STATE** and declaring that the General Assembly of South Carolina has the sovereign authority to refuse to enforce the provisions this federal health care legislation insofar as its scope exceeds the powers delegated to the federal government under the United States Constitution.

The House amended, approved, and sent the Senate **H.3919**, legislation which provides for the **ELIMINATION OF THE HIGH SCHOOL EXIT EXAM AS A REQUIREMENT FOR GRADUATION AND CREATION OF THE HIGH SCHOOL ASSESSMENT STUDY COMMITTEE**. Before being awarded a high school diploma, all South Carolina public

high school students must achieve a passing score on both High School Assessment Program (HSAP) tests. This legislation provides that all students must take the HSAP tests, but successful passage of the tests is no longer a requirement to graduate. The legislation further provides that an eligible student who previously failed to receive a high school diploma or was denied graduation solely for failing the exit exam may reenroll in high school and will not have to pass the exit exam to receive a high school diploma, and the legislation requires the Department of Education to remove any conflicting requirements and promulgate conforming changes in its applicable regulations. Additionally, the legislation creates the High School Assessment Study Committee to consider whether the high school assessment program should remain the accountability assessment used by the state and to recommend an alternative, if necessary. The legislation provides for the composition and staffing of the study committee, and it requires the committee to make a report to the General Assembly no later than January 31, 2014, at which time the study committee must be dissolved.

The House amended, approved, and sent the Senate **H.4014**, legislation **RECONSTITUTING THE BOARD OF TRUSTEES OF SOUTH CAROLINA STATE UNIVERSITY**. The legislation revises the Board of Trustees which is currently composed of thirteen member, twelve of whom are elected by the General Assembly (one from each congressional district and five at-large) and the Governor, or designee, as the, ex officio, thirteenth board member. As reconstituted by this legislation, the South Carolina State University Board of Trustees is composed of eleven members, nine of whom are elected by the General Assembly, one member from each congressional district and two elected from the state at large. The Governor appoints two members from the state at large, one of whom must be appointed on the recommendation of the South Carolina State University National Alumni Association or its successor, recommended by that body in a secret ballot election conducted at its annual meeting. The legislation establishes a schedule for replacing current members of the board of trustees, except for the board members elected by the General Assembly this year.

The House returned **S.237**, legislation **REVISING THE PROTOCOL FOR FLYING STATE CAPITOL BUILDING FLAGS AT HALF-STAFF IN MEMORY OF FALLEN SOUTH CAROLINA MILITARY**, to the Senate with amendments. 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 before the day of the South Carolina funeral through the date of interment 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 approved **S.448**, legislation dealing with physicians' supervisory relationship requirements with **PHYSICIAN ASSISTANTS**, and enrolled the bill for ratification. The legislation states that a licensed physician who accepts the responsibility to supervise a physician assistant's activities, must enter into a supervisory relationship with a physician assistant. The physician must notify the Board of Medical Examiners of South Carolina, in writing, of the proposed supervisory relationship and include the proposed scope of practice guidelines for the relationship. The legislation further outlines that no more than three full-time physician assistants can be supervised by a supervising physician. A physician assistant may practice in a public place, a private place, or a facility where the supervising physician regularly sees patients, may make house calls,

Legislative Update, May 7, 2013

perform hospital duties, and perform any functions performed by the supervising physician if the physician assistant is also qualified to perform those functions. A physician assistant may authorize prescriptions for an orally administered Schedule II controlled substance under certain requirements.

The House amended, approved, and sent the Senate **H.3366**, a bill relating to the **AUTHORIZATION OF DISCLOSURE OF MEDICAL INFORMATION**. Under the legislation, a health care provider or the provider's agent shall provide on the patient information form an opportunity for the patient to designate a family member or other individual as a person with whom the provider is allowed, but not required to, discuss the patient's medical condition and treatment plan. Provisions are established to provide a health care provider with immunity from legal liability for authorized disclosures made in good faith. The legislation does not apply to nursing homes, dentists, dental hygienists, or dental technicians. This legislation satisfies the Federal requirements relating to public health and the privacy rule of the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

The House amended, approved, and sent the Senate **H.3941**, legislation **PROHIBITING POLITICAL SUBDIVISIONS FROM MANDATING EMPLOYEE BENEFITS**. This bill revises provisions governing a political subdivision's authority to set a minimum wage, so as to also prohibit a political subdivision from mandating or otherwise requiring an employee benefit such as health benefits, disability benefits, death benefits, group accidental death and dismemberment benefits, paid days off for holidays, sick leave, vacation, personal necessity, retirement benefits, and profit-sharing benefits.

The House amended, approved, and sent the Senate **H.3960**, a bill establishing **REQUIREMENTS FOR EMPLOYERS PARTICIPATING IN A MULTIPLE EMPLOYER SELF-INSURED HEALTH PLAN TO EXECUTE HOLD HARMLESS AGREEMENTS** in which the employer agrees to pay all unpaid portions of insured claims. The legislation provides that each participating employer, as a condition of participation in a multiple employer self-insured health plan, is required to execute an agreement by which the employer agrees to personally pay all claims for benefits covered under the multiple employer self-insured health plan which are incurred by his or its covered employees and their covered dependents, but which the plan has failed to pay. The legislation establishes notification requirements regarding the new provisions and provides that neither failure of a participating employer to execute an agreement, nor failure of the plan to require such execution, shall excuse the employer from liability for unpaid claims incurred by covered employees and dependents. The legislation revises requirements for a multiple employer self-insured health plan to include aggregate and individual excess stop-loss coverage, charging the Department of Insurance with reviewing the amounts of this required coverage to ensure that it is sufficient.

The House approved and sent the Senate **H.4020**, legislation providing for **TEMPORARY REAUTHORIZATION OF THE SOUTH CAROLINA FIRST STEPS TO SCHOOL READINESS ACT**. This joint resolution provides that Act 99 of 1999, South Carolina First Steps to School Readiness Act, is reauthorized until July 1, 2014.

The House approved and sent the Senate **H.3124**, legislation which provides **PROTECTIONS FOR REPORTING CHILD ABUSE OR NEGLECT**. This legislation provides that an employer must not dismiss, demote, suspend, or otherwise discipline or discriminate against an employee or prospective employee who is required or permitted

Legislative Update, May 7, 2013

to report child abuse or neglect. An employee or prospective employee who is adversely affected by conduct that is in violation of these provisions may bring a civil action for reinstatement and back pay. An action may be brought against an employer, including the state, a political subdivision of the state and any office, department, independent agency, authority, institution, association, or other body in state government. An action must be brought within three years after the cause of action arises. If judgment is rendered in favor of the plaintiff in an action, the court also shall award a reasonable attorney's fee in favor of the plaintiff against the defendant.

The House approved and sent the Senate **H.3856**, a bill **EXPANDING PROHIBITIONS ON EMPLOYMENT IN CHILDCARE FACILITIES**. The bill adds those who have been convicted of unlawful conduct toward a child, cruelty to children, or child endangerment to the list of persons that childcare facilities are prohibited from employing.

The House approved and sent the Senate **H.3567**, legislation regarding **MENTAL HEALTH TREATMENT FOR CHILDREN**. The bill revises the definition of "children" and "adolescents" in need of mental health treatment who are in a residential treatment facility, to include young adults. The bill increases the eligibility age for treatment from eighteen to twenty-one years old.

The House amended, approved, and sent the Senate to **H.3961**, the "**SAVANNAH LEE MONROE AUTISM AWARENESS SPECIAL LICENSE PLATES ACT**". This legislation authorizes the Department of Motor Vehicles to issue Autism Awareness special license plates with proceeds distributed to the South Carolina Autism Society.

The House amended, approved, and sent the Senate **H.3978**, a bill revising provisions relating to **MEDICAID NURSING HOME PERMITS**. The legislation: provides a new definition for "Medicaid permit day"; specifies the manner in which additional Medicaid permit days are allocated; establishes new reporting requirements; and, sets forth compliance standards with penalties imposed upon facilities that exceed their allotment of Medicaid permit days.

The House amended, approved, and sent the Senate **H.3822**, a bill **REVISING CONCEALABLE WEAPONS PERMITS PROVISIONS**. The legislation revises the requirements that must be met in order to receive a concealable weapons permit. Relating to definitions for purposes of concealable weapons permits, the legislation deletes the definition of "proof of residence" and revises the definitions of "picture identification" and "proof of training". The legislation deletes the requirement that an education course must be a minimum of eight hours, and the legislation provides that individuals with military training and retired law enforcement officers complete only the portion of the class reviewing statutory and case laws. The legislation increases the application fee for a permit for residents of the state from \$50 to \$75, and it provides for a nonresident application fee of \$75. The legislation allows permit applications to be submitted online with State Law Enforcement Division (SLED). If an applicant submits his application online, the legislation authorizes SLED to continue to make all contact with the applicant through online communications. The legislation provides that a person may not carry a concealable weapon into a place clearly marked with a sign prohibiting the carrying of a concealable weapon on the premises, except that a property owner or an agent acting on his behalf, may allow individuals of his choosing to enter onto property regardless of any posted sign to the contrary. The legislation provides that a permit is valid for five years rather than four years, and it requires SLED to send a

Legislative Update, May 7, 2013

renewal notice at least 30 days before a permit expires. The legislation repeals Section 23-31-240 relating to persons allowed to carry a concealable weapon while on duty. Additionally, the legislation provides that a concealable weapons permit holder may secure his weapon under a seat in a vehicle, or in any open or closed storage compartment within the vehicle's passenger compartment.

The House amended, approved, and sent the Senate **H.3149**, a bill revising provisions concerning the **PURCHASE OF PRECIOUS METALS**. The legislation specifies acceptable forms of identification a seller of precious metals must present to the buyer. The legislation modifies the term "purchase" to include means of being pawned to a dealer. The legislation increases the mandatory period for which a dealer in precious metals, except coins, must hold precious metals he purchases before he may sell them from seven days to fourteen days. The legislation requires the dealer to keep the item in the county where it was purchased during the holding period. The legislation expands the list of acceptable forms of identification that may be used to satisfy requirements for purchases of precious metal or precious or semiprecious stones or gems. The legislation expands the list of locations where a permitted dealer in precious metals is not allowed to operate by adding a residential dwelling and a sub-leased space with a lease term of less than one year. Additionally, the legislation requires violations to be wilful by dealers and increases penalties for the purchase of precious metals by a dealer with a revoked license.

The House amended, approved, and sent the Senate **H.3561**, a bill providing for **ACCOMMODATIONS TAX REVISIONS**. The legislation revises accommodations tax provisions, to remove room service, amenities, entertainment, special items in promotional tourist packages, in room movies, and other guest services from the list of items subject to the five percent tax on additional surcharges. Under the revisions, the additional tax would continue to apply only to charges for room service, laundering and dry cleaning services, in-room movies, telephone service, and rentals of meeting rooms.

The House approved and sent the Senate **H.3956**. Relating to **DEFINITIONS IN THE ALCOHOLIC BEVERAGE CONTROL ACT**, this legislation revises the definition of the term "furnishing lodging" to provide for at least eighteen instead of twenty rooms that a business must offer for accommodations on a regular basis.

The House amended, approved, and sent the Senate **H.3894**. Relating to **FACTORS THAT MAY BE CONSIDERED WHEN DETERMINING JUST COMPENSATION IN CONDEMNATION ACTIONS REGARDING EMINENT DOMAIN**, this legislation includes diminution in value of the landowner's remaining property caused by reconfiguration of roadways, restriction of access and circuitous access.

The House amended, approved, and sent the Senate **H.3907**, a bill pertaining to **METHODS OF PAYMENT FOR DEPARTMENT OF MOTOR VEHICLE SERVICES**. This legislation provides the Department of Motor Vehicles (DMV) with an administrative remedy for returned checks. This legislation authorizes the DMV to accept uncertified checks for payment for fees, taxes, and other charges for products or services issued by the DMV; also, the DMV may, upon the approval of the State Treasurer, contract with banks or vendors to guarantee collection of funds paid by uncertified checks. The legislation authorizes the DMV to refuse to provide a person any product or service, except an identification card, until the person has paid all fees owed the DMV as a result of a returned check. The legislation clarifies the DMV's authorization to collect a

returned check fee, and the legislation provides that the DMV may charge a processing fee for the use of credit cards. The legislation provides that all processing fees collected must be placed in a special restricted account to be used by the DMV to defray its costs.

The House amended, approved, and sent the Senate to **H.3631**, relating to **GOLF CARTS**. This legislation moves existing golf cart provisions to Chapter 3 (Motor Vehicle Registrations and Licensing) of Title 56 (Motor Vehicles) so as to clarify that a violation of these provisions is subject to a misdemeanor penalty; last session legislation passed by the General Assembly moved these provisions out of Chapter 3 and placed them in Chapter 2 (Specialized Vehicles) of Title 56. Additionally, the legislation removes a restriction on golf carts only operating during daylight hours; the legislation provides that the night-time prohibition does not apply to a golf cart that is equipped with working headlights and rear lights so long as the operator may legally operate a motor vehicle after daylight. The legislation provides that a sufficient portion of the five dollar golf cart registration fee is to be used by the Department of Motor Vehicles to defray expenses of producing and administering golf cart permits.

The House amended, approved, and sent the Senate **H.4038**, a bill establishing an **EXEMPTION FROM STATE PROVISIONS GOVERNING THE LICENSURE AND REGULATION OF ENGINEERS** and surveyors that applies to the work or practice of a person rendering engineering services, meaning design, construction, and maintenance of airplanes and airplane manufacturing equipment, to a corporation that operates in South Carolina under a production certificate issued by the Federal Aviation Authority, provided that the general business of the corporation does not consist, either wholly or in part, of the rendering of engineering services to the general public.

The House approved and sent the Senate **H.3783**, a bill that revises **CRITERIA FOR THE ADMISSIONS LICENSE TAX EXEMPTION FOR A MOTORSPORTS ENTERTAINMENT COMPLEX** by establishing the requirement that the complex be a NASCAR sanctioned motor speedway or racetrack that hosted at least one NASCAR Sprint Cup Series race in 2012, and continues to host at least one NASCAR Sprint Cup Series race, or any successor race featuring the same NASCAR Cup series. By replacing the current requirement that the speedway have at least sixty thousand seats for race patrons, the legislation would allow the Darlington Raceway to continue to retain a portion of its admissions tax funds to be used for promotional expenses even if renovations at the race track should reduce the number of available seats.

BILLS INTRODUCED IN THE HOUSE THIS WEEK

AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

**S. 191 FRESH AND MINIMALLY PROCESSED FOODS FOR CONSUMPTION
BY STUDENTS** Sen. Verdin

The legislation requires the South Carolina Department of Agriculture to create a program that fosters relationships between South Carolina farms, school districts, and other institutions to provide them with fresh and minimally processed foods for consumption by students. Among many things, the program must identify and promote local farms to food service programs and offer them information concerning actions and strategies to implement the program.

S.584 HUNTING AND FISHING LICENSES Sen. Campsen

Among many things, the legislation revises timeframe of hunting and fishing licenses for recreational and commercial use by permitting the department to issue a license that expires on the day before the anniversary of its issuance. The bill also revises residency requirements for licenses.

EDUCATION AND PUBLIC WORKS

H.4061 AGE-APPROPRIATE INSTRUCTION IN SEXUAL ABUSE AND ASSAULT AWARENESS AND PREVENTION Rep. Powers Norrell

This legislation requires the State Board of Education to select or develop instructional units in sexual abuse and assault awareness and prevention, with separate units appropriate for each age level from four-year old kindergarten through twelfth grade. This legislation requires school districts to provide age-appropriate instruction in sexual abuse and assault awareness and prevention as part of the comprehensive health education program.

H.4072 CONTRACTS FOR TRANSPORTATION SERVICES BETWEEN A COUNTY SCHOOL BOARD AND A PRIVATE INDIVIDUAL OR CONTRACTOR Rep. Patrick

Relating to contracts for transportation services between a county school board and a private individual or contractor, this legislation provides that the county school board is responsible for payment of maintenance costs incurred under the contract and shall receive certain associated financial aid from the state. The legislation provides that the county school board may request title and control of school buses operated within the jurisdiction of the board by the state, and that the state shall grant this request at no cost, subject to certain requirements where a district shares a maintenance facility with another district.

H.4073 MUNICIPAL ORDINANCES Rep. G. R. Smith

This legislation provides that the governing body of a municipality, by ordinance, may provide that all members of a municipal fire truck company or other employees of the fire department may direct and control traffic at the scene of any fire in the municipality and enforce the laws of this State or ordinances of the municipality relating to the following of a fire apparatus, the crossing of a fire hose, and interfering with firemen in the discharge of their duties in connection with a fire in the same manner as provided for the enforcement of such laws or ordinances by law enforcement or code enforcement officers.

H.4088 "EDUCATION MAXIMUM ACT" Rep. Rivers

This legislation provides that beginning with the 2014-2015 school year, each elementary, middle, and high school student must demonstrate performance at his grade

level in English/language arts and mathematics before promotion to the next grade, and a student may satisfy this requirement by successfully completing additional coursework and testing in summer school at the expense of his parent or guardian, payable over a period of time as established by the district. The legislation exempts eleventh and twelfth grade students from other exit examinations, and the legislation requires eleventh grade students to take the ACT exam and achieve a minimum score on that test as determined by the Department of Education. The legislation requires twelfth graders to take the WorkKeys exam and achieve a minimum score on that test as determined by the Department of Education. The legislation provides that a school district may opt out of the state textbook rental system and instead purchase the digital equivalent of a textbook and support equipment directly from vendor contracts approved by the state. This legislation allows special part-time teaching certificates allowing professionals or experts to teach subjects related their profession or expertise. Relating to academic performance ratings, this legislation provides that real student performance and test scores but not graduation rates be used for these ratings. This legislation provides that the parent or legal guardian of a child may enroll the child in the school considered by the parent or guardian to be most suitable for the academic needs of the child upon the showing of certain information and payment of a fee, and it requires different standards and no fee for a child needing special education services.

JUDICIARY

S.8 REVISIONS PERTAINING TO DOG LIABILITY AND CERTIFICATION OF LAW ENFORCEMENT PATROL CANINE TEAMS Sen. L. Martin

This legislation makes revision relating to the liability of owner or person having dog in his care or keeping. Under current law, there is an exception for liability if a person provokes a dog into attacking him. This legislation strikes this provision and expands exceptions for liability to include: (1) the person who was attacked provoked or harassed the dog leading to the attack; (2) the dog is working in a law enforcement capacity with a governmental agency and in the performance of the dog's official duties provided that: (a) the dog is trained and certified according to the standards adopted by the South Carolina Law Enforcement Training Council; (b) the governmental agency has adopted a written policy on the necessary and appropriate use of dogs in the dog's official law enforcement duties; (c) the actions of the dog's handler or dog do not violate the agency's written policy; (d) the actions of the dog's handler or dog do not constitute excessive force; and (e) the attack or bite does not occur on a third party by-stander not involved in the criminal investigation, search, or arrest; or (3) the dog is defending the life, health, or safety of the dog's owner, handler, or another person. The term 'patrol canine teams' refers to a certified officer and a specific patrol canine controlled by the handler working together in the performance of law enforcement or correctional duties. The term 'patrol canine teams' does not refer to canines used exclusively for tracking or specific detection. This legislation requires the South Carolina Criminal Justice Academy to verify that patrol canine teams have been certified by a nationally recognized police dog association or similar organization. The legislation further provides that no law enforcement agency may utilize patrol canine teams after July 1, 2014, unless the patrol canine teams have met all certification requirements.

S.19 BOND PROVISIONS Sen. Ford

If a person released on bond for a serious or most serious offense, and is charged with a serious or most serious offense, while released on bond, this legislation provides that the bond hearing for the subsequent serious or most serious offense must be held in the circuit court within thirty days. If the court finds probable cause that the person committed the current offense or that the person is unlikely to comply with any condition of release, a rebuttable presumption arises that no condition will assure the person will not pose a danger to the safety of any other person or the community. If the court finds that certain conditions of release on bond will ensure that the person is unlikely to flee or pose a danger to any other person or the community and the person will abide by the terms of release on bond, the judge shall consider bond and set or amend bond accordingly. If the court finds no such conditions will ensure that the person is unlikely to flee or not pose a danger to the community, bond must be revoked.

S.193 CRUELTY TO ANIMALS Sen. Verdin

This legislation makes revisions relating to cruelty to animals. The legislation increases penalties for violations. The legislation provides that any person violating the laws in relation to cruelty to animals may be arrested by a law enforcement officer; the legislation further provides that the South Carolina Society for the Prevention of Cruelty to Animals, or other organization organized for the same purposes, may not make an arrest for the violation of the laws in relation to cruelty to animals.

S.408 STOPPING, PARKING OR LEAVING STANDING A VEHICLE OUTSIDE OF A BUSINESS OR RESIDENTIAL DISTRICT Sen. Thurmond

Current provisions in law prohibit a person from stopping, parking, or leaving standing a vehicle, whether attended or unattended, upon the roadway outside a business or residential district when it is practicable to stop, park, or leave the vehicle off the roadway. This legislation adds that no person shall stop, park, or leave standing a vehicle, whether attended or unattended, upon the roadway inside or outside a residential district when it is practicable to stop, park, or leave the vehicle off the roadway. Notwithstanding another provision of law, the legislation further provides that these provisions do not prohibit a person's vehicle from stopping, parking, or standing, whether attended or unattended, upon the roadway outside a business or inside or outside a residential district for a reasonable time if the person: (1) is an invitee or guest of the business or an invitee or guest of a resident in the residential district; (2) is a police officer, fireman, ambulance driver, or other public safety, emergency, or law enforcement official and the vehicle is being used in connection with exercising his official duties; or (3) is the owner, operator, or employee of the business, or a resident of the residential district.

S.601 EXPANSION OF LOBBYING TO INCLUDE ACTIONS AT THE LOCAL LEVEL Sen. Thurmond

This bill expands lobbying to include actions at the local level of governments; however, lobbying does not include activities of a member or the staff of a governing body of a political subdivision. This legislation revises terms regarding lobbyists and lobbying and public body to include members of and the governing bodies of political subdivisions.

H.4062 INFANT SAFE HAVENS POSTING REQUIREMENTS Rep. Powers Norrell

This legislation relates to infant safe havens, which are places a person may leave an infant under certain circumstances. This legislation requires safe havens to post a

notice that states that the location is a safe haven, and the legislation requires the Department of Social Services to prepare the notice for use by the safe haven.

H.4063 FAMILY COURT MEDIATION Rep. Pitts

This legislation requires mediation as a means of resolving certain family court matters, consistent with Title 20, Title 63, and Chapter 48, Title 15. The legislation provides certain requirements to serve as a mediator; provides rules for conducting mediation conferences; assures access to the family courts of this state upon compliance with mediation requirements; and provides for mediator fees and expenses and the assessment of certain penalties.

H.4068 PROHIBITIONS ON A MEMBER OF THE GENERAL ASSEMBLY OR AN IMMEDIATE FAMILY MEMBER BEING ELECTED OR APPOINTED TO CERTAIN OFFICES Rep. Henderson

This legislation prohibits a Member of the General Assembly or an immediate family member of his from being elected or appointed by the General Assembly to the governing board of a public college or university in South Carolina while the Member serves in the General Assembly and for a period of one year after the Member ceases this service or fails to file for election to the General Assembly, and it provides a necessary definition. Relating to the prohibition of a Member of the General Assembly from being elected to judicial office while serving in the General Assembly or for one year after he ceases this service or fails to file for election to the General Assembly, this legislation extends the prohibition to an immediate family member of a Member of the General Assembly, and it provides a necessary definition.

H.4084 STATE DAY OF PRAYER Rep. Limehouse

This legislation designates the first Thursday in October of each year as the 'State Day of Prayer'.

**H.4094 EXEMPTIONS FROM THE FREEDOM OF INFORMATION ACT
Rep. Rivers**

This legislation adds exemptions from the Freedom of Information Act. The legislation provides that a public agency may not disclose information from its personnel, medical, or similar files concerning a residential address, date of birth, social security number, telephone number, photograph, name of a spouse or name of a child, if applicable, or address or telephone number of the daycare or K-12 school of a child, if applicable, of any active or former: (1) member or employee of the federal judiciary; (2) member or employee of the judiciary, administrative law court, or a municipal judge in this State; (3) law enforcement officer who has served in an active capacity in this State; (4) director, acting director, or employee of the Department of Corrections, Department of Juvenile Justice, Department of Social Services, or Department of Probation, Parole and Pardon Services; (5) guardian ad litem serving on behalf of the South Carolina Guardian ad litem program or similar local program; (6) municipal, state, or federal prosecutor who has prosecuted actions in this State; or (7) municipal, state, or federal public defender or appellate defender who has served in that capacity in this State.

LABOR, COMMERCE AND INDUSTRY

S.148 IDENTITY THEFT SAFEGUARDS FOR PROTECTED CONSUMERS

Sen. Shealy

This bill establishes special safeguards against identity theft that apply to a class of protected consumers composed of children as well as adults who are incapacitated or otherwise under another's guardianship. The legislation establishes requirements for consumer reporting agencies to place security freezes on the records of protected consumers, a special class of consumers composed of those under the age of sixteen as well as incapacitated individuals and protected individuals for whom a guardian or conservator has been appointed, upon the request of the protected consumers or representatives who can produce sufficient proof of their authority to act on behalf of the protected consumers.

S.349 "APPRAISAL MANAGEMENT COMPANY REGISTRATION ACT"

Sen. O'Dell

This bill enacts the "Appraisal Management Company Registration Act" to require those acting as an appraisal management company to register with the South Carolina Real Estate Appraisers Board and establish new provisions governing the practices of appraisal management companies. The legislation establishes: provisions governing the organization and control of an appraisal management company; requirements relating to the use and payment of independent appraisers; reporting requirements; restrictions on certain appraisal management company personnel exerting influence on an appraisal; a prohibition on an appraisal management company's changing a completed appraisal or using an appraisal report or its content provided by an independent appraiser in another transaction; and, restrictions on the removal of an independent appraiser from the appraiser panel by an appraisal management company. Penalties and remedies are established for violations. The legislation establishes surety bond requirements for an appraisal management company. The legislation provides that the board may provide adjudicatory proceedings pursuant to the Administrative Procedures Act. The legislation increases by two the membership of the Real Estate Appraisers Board, adding a member who is a representative of an appraisal management company and an additional member representing licensed or certified appraisers.

S.530 CLOSED PANEL HEALTH INSURANCE PLANS Sen. Hayes

This bill removes the requirement that certain employers that offer only closed panel health insurance plans to its employees also offer a point-of-service option to its employees. The legislation increases the allowable differences between coinsurance percentages for in-network and out-of-network covered services and supplies under a point-of-service option.

WAYS AND MEANS

S.259 TUITION-FREE ATTENDANCE OF CLASSES AT STATE-SUPPORTED COLLEGES, UNIVERSITIES, AND TECHNICAL SCHOOLS FOR

THOSE

AGE SIXTY AND OVER Sen. Thurmond

This bill expands the provision that allows persons age sixty and over to attend classes at state-supported colleges, universities, and technical schools without payment of tuition by eliminating the current restriction that a person receiving compensation as a full-time employee must pay tuition.

S.481 REVISIONS TO THE ADMISSIONS LICENSE TAX EXEMPTION FOR A MOTORSPORTS ENTERTAINMENT COMPLEX Sen. Malloy

This bill provides for revisions to the admissions license tax exemption for a motorsports entertainment complex, so as to require the complex to be a NASCAR sanctioned speedway that hosts at least one race each year featuring the preeminent NASCAR Cup Series, instead of requiring the speedway to have at least sixty thousand seats for race patrons.

S.562 RECOVERY FOR IMPROVEMENTS TO ACQUIRED LAND Sen. Campsen

This bill revises provisions relating to recovery for improvements made in good faith, to provide that the defendant shall be entitled to recover the full value of all improvements if he has purchased or otherwise acquired title to the lands and tenements in the action.

S.610 ECONOMIC DEVELOPMENT BONDS FOR NATIONAL AND INTERNATIONAL CONVENTION AND TRADE SHOW CENTER ADJACENT FACILITIES Sen. Rankin

This bill definitions for purposes of the State General Obligation Economic Development Bond Act, so as to clarify that the definition of "economic development project", including a national and international convention and trade show center owned by a public entity includes an adjacent facility allowing specific events thereby making additional time and space available for the major conventions, trade shows, and special events. The legislation requires Joint Bond Review Committee review and comment on such an adjacent facility. The legislation revises provisions for the issuance of bonds under the State General Obligation Economic Development Bond Act so as to extend from ten to fifteen years the period in which a national and international convention and trade show center must be completed.

H.4074 TAXATION OF ELECTRONIC CIGARETTES Rep. White

This bill revises provisions relating to tobacco, ammunition, and playing cards, so as to levy, assess, and collect five cents on certain products containing nicotine that are commonly used in electronic cigarettes. The legislation limits the rate to no more than ten percent of the excise tax and surcharge on a pack of cigarettes and requires that an invoice for such products clearly states the amount of product included.

H.4075 HOMESTEAD PROPERTY TAX EXEMPTION INCREASE Rep. Vick

This bill revises the homestead property tax exemption allowed persons over the age of sixty-five years, or disabled, or legally blind, so as to increase the exemption amount from the first fifty thousand dollars to the first seventy-five thousand dollars of the fair market value of the homestead.

H.4076 SAFEGUARDS FOR FEDERAL TAX INFORMATION MAINTAINED BY COUNTIES AND MUNICIPALITIES Rep. R. L. Brown

This bill requires each county and municipality that maintains federal tax information to implement a policy that safeguards the information from a potential data breach. The policy must be no less stringent than the manner in which the Internal Revenue Service protects the information.

H.4077 ECONOMIC DEVELOPMENT BONDS FOR NATIONAL AND INTERNATIONAL CONVENTION AND TRADE SHOW CENTER ADJACENT FACILITIES Rep. Clemmons

This bill definitions for purposes of the State General Obligation Economic Development Bond Act, so as to clarify that the definition of “economic development project”, including a national and international convention and trade show center owned by a public entity includes an adjacent facility allowing specific events thereby making additional time and space available for the major conventions, trade shows, and special events. The legislation requires Joint Bond Review Committee review and comment on such an adjacent facility. The legislation revises provisions for the issuance of bonds under the State General Obligation Economic Development Bond Act so as to extend from ten to fifteen years the period in which a national and international convention and trade show center must be completed.

H.4095 “TRUTH IN HEALTH FINANCING AND RESPONSIBLE CONSUMER HEALTH CARE ACT” Rep. K. R. Crawford

This bill enacts the “Truth in Health Financing and Responsible Consumer Health Care Act” so as to establish within the Department of Health and Human Services the Responsible Consumer Health Care Program, which provides health care to low-income, uninsured South Carolinians through managed care plans and medical spending accounts. The legislation establishes program eligibility requirements and specifies health care services that the managed care organization must provide, including preventive health services, certain functions it must perform, and standards with which it must comply. The legislation provides that an individual is entitled to five hundred dollars in preventive services at no cost. The managed care organization is required to provide monthly statements, explanation of benefits, and account balances. The legislation provides that individuals, their employers, and charitable organizations may contribute to an individual’s medical spending account and that the managed care organization also may contribute to the account if the contribution is an incentive for individuals to engage in certain healthy behaviors. The legislation provides that contributions to a medical spending account, other than those made by the state, belong to the individual and that such funds roll over to the next program period. The legislation establishes the Responsible Consumer Health Care Fund into which Medicaid expansion funds, among other funds, must be deposited to carry out the provisions of this legislation. Implementation of this program is conditioned upon the receipt of sufficient funds. The legislation prohibits obligating the state to financial participation beyond the level of funds anticipated to be available. DHHS is required to submit Medicaid Plan amendments and federal waivers necessary to obtain federal approval to carry out the provisions of this legislation. The legislation provides that funds from the Medicaid Reserve Fund must be used for the 2014 administration of the Responsible Consumer Health Care Program. The legislation provides that, beginning in 2015 through 2016, the state must not participate in disproportionate share hospital funds. The legislation provides alternative uses for the hospital license tax.

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