## **Legislative Update No. 20**

## **House Floor Actions**

**(June 7, 2023)**

## **Granting Minors Watercraft Safety Certification**

The House and Senate have adopted the conference report on **S. 96** thatallows minors aged 16 and younger to go **jet skiing after obtaining safety certification**. It is being enrolled for ratification. It would prohibit any minor from operating a ‘personal watercraft,’ jet ski, or other specialty prop-craft, less than 16 feet long, along with other specifications set out in this bill, until they have successfully completed a SC Department of Natural Resources (SC DNR) approved boating safety education class. Exceptions to these requirements include riding with someone 18 years or older who has a boating operation certification or other licensure from the United States Coast Guard, someone operating a personal watercraft while hunting or fishing, or when an operator is heading out to lawfully hunt or fish.

## **Trafficking or Distributing Fentanyl**

The House has concurred in Senate amendments to, and enrolled for ratification, **H. 3503** that establishes and enhances criminal penalties for **trafficking or distributing** **fentanyl**, or fentanyl-related substances, which would be considered Schedule I drugs. Anyone possessing over 4 grams of fentanyl would trigger these new criminal enforcement penalties.

First time offenders with four grams or more, but less than 14 grams, of fentanyl would face mandatory minimum jailtime sentences of 10 years, and maximum incarceration for 25 years. A fine of $50,000 would also be levied. Second and subsequent offenders trafficking these amounts potentially face a minimum of 25 years in jail and a fine of $100,000.

Second or subsequent, offenders with 14, but less than 28, grams of fentanyl would face a minimum 25 years in jail and a fine of $100,000. Subsequent offenders with 28, or more, grams of fentanyl would face a minimum of 25 years in jail and up to a maximum of 40 years incarcerated once convicted. All these categories of subsequent offenders also would be fined $200,000. No part of any of these listed sentences or fines could be suspended by a judge. Judges also could not put these offenders on probation.

As amended by the Senate, anyone violating this law while in possession of **firearms or ammunition** would face additional penalties for doing so.

## **Adoption Waiting Periods**

The House has concurred in Senate amendments to, and is enrolling for ratification, **H. 3553**, whichremoves the **Adoption Waiting Period** in specified situations. This bill would eliminate the existing statutory 90-day waiting period after petitions have been filed before adoptions may be finalized with a decree. Adoptions would still have to be completed within six months of the adoption petition being filed. However, adoptions of special needs children would be allowed to take up to twelve months for completion.

The House approved and sent the Senate **H. 4486**, a bill providing authority for the Department of Health and Environmental Control to create a **pilot program that allows septic tank installers to conduct septic tank field evaluation tests** for the Department. In order to take part in this pilot program conducted in designated areas of the state, a septic tank installer must register with and be granted written approval by DHEC, hold a valid license, and be in good standing. The written approval records must be made available upon request to those for whom the work is being completed.

## **Youthful Offender Driving Under Suspension Conviction Expungements**

The House has overridden the governor’s veto of **H. 3890**, whichfacilitates **Youthful Offender Driving Under Suspension Conviction Expungements.** Youthful offenders convicted of driving under suspension would be able to expunge these convictions after they meet specified prerequisites. These include having no other in-state or out-of-state convictions, other than one for driving under suspension or, prior to May 17, 2018, a conviction for disturbing schools, during their service of a youthful offender sentence including probation and parole or during the five‑year period following completion of their youthful offender sentence, also including probation and parole time.

The House and Senate overrode the Governor’s veto on **S. 31** to allow the bill to become law. The legislation revises requirements for **local government financial audits** to make them less stringent for small towns and counties. The legislation provides that the council of each municipality having total recurring revenues below a set threshold may elect to provide for either an audit of financial statements or follow a procedure for providing a compilation of financial statements in lieu of an audit. The legislation provides authority for the State Treasurer to grant a county an extension of ninety days on its required financial audit deadlines.

**INTRODUCTIONS**

**H. 4525 Use of LIFE Scholarship for Academic Programs Not Offered in South Carolina Rep. Hartnett**

This bill authorizes a student to use a LIFE Scholarship at an out-of-state public institution of higher learning for a program of study offered by the institution but not offered by an institution in this state

[**H. 4526**](https://www.scstatehouse.gov/billsearch.php?billnumbers=4526&session=125&summary=B) **State Government Appropriations for Fiscal Year 2023-2024 inExcessof FY 2022-2023 Rep. Bannister**

This joint resolution makes provision for appropriations for Fiscal Year 2023-2024 in excess of amounts appropriated in Fiscal Year 2022-2023. It is being referred to as a “Continuing Resolution PLUS.”

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