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MAJOR ISSUES FROM

THE 2016 LEGISLATIVE SESSION

**This report highlights activity of the second regular session of the 121st South Carolina General Assembly. This document summarizes many of the key issues that have passed the General Assembly this year. Summaries are organized according to subject matter, and individual summaries may be included in the document under more than one subject heading. Since this document focuses on key issues, not all provisions of legislation are included in the summaries.**

**This report is a guide to, not a substitute for, the full text of the legislation summarized. Bill summaries in this document are prepared by staff of the South Carolina House of Representatives and are not the expression of the legislation’s sponsor(s) or the House of Representatives. The summaries 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.**

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**2016 LEGISLATIVE OVERVIEW**

In its second regular session, the 121st South Carolina General Assembly authorized **funding for deteriorating roads and bridges and reform for the governance and oversight of the state’s transportation infrastructure system**. The legislation (S.1258) allows for an estimated total of up to $4.5 billion to be devoted to the state’s roads over the next ten years. This includes: $950 million to repair or replace all structurally-deficient bridges on Interstate and national highways; $2 billion in widenings and improvements to existing Interstates; and, over $1.4 billion in pavement resurfacing. The legislation transfers motor vehicle sales tax revenue and the revenue from various Department of Motor Vehicles fines and fees to the Department of Transportation’s State Highway Fund. Transferred funds may be used for the issuance of bonds through the South Carolina Transportation Infrastructure Bank. These revenue revisions also allow for existing DOT funds to be redirected. The legislation includes a restructuring of the Commission overseeing the South Carolina Department of Transportation that retains the commission’s geographical representation, but provides that legislators would no longer elect commissioners and that all commissioners would, instead, be appointed by the Governor, upon the advice and consent of the Senate and subject to a legislative approval and screening process. Under restructuring, the DOT Commission assumes the responsibility of appointing the Secretary of Transportation, upon the advice and consent of the Senate. In order to afford the chief internal auditor of the Department of Transportation greater independence, the legislation provides for the position to be appointed and overseen by the State Auditor rather than the DOT Commission. Revisions are also provided for the South Carolina Transportation Infrastructure Bank including requirements for the bank’s Board of Directors to obtain approval from the DOT Commission before providing any loans or other financial assistance. The minimum project amount set in Transportation Infrastructure Bank requirements is reduced from $100 million to $25 million. This threshold is lowered to allow more areas to be able to afford local match requirements and take advantage of the bank’s bonding capabilities for financing their transportation projects.

The $7.5 billion **Fiscal Year 2016-2017 state government budget** (H.5001, H.5002) includes $50 million in nonrecurring funds to be distributed among the County Transportation Committees to use for resurfacing, reconstructing, and repairing roads and bridges in the state‑owned secondary road system. $84 million in Department of Motor Vehicles fees and fines and $131 million in motor vehicle sales tax revenue is transferred to the State Highway Fund. $49 million is allocated to the Department of Transportation to address road repair costs from the October 2015 flood damage. $72 million in nonrecurring funds is allocated as the full state and local match for Federal Emergency Management Agency (FEMA) funds for the 2015 catastrophic flood response. $30 million is provided for coastal beach renourishment. The Department of Health and Environmental Control receives full funding for its dam safety inspection and permitting program. For K-12 public education, $218 million is used to increase the base student cost by $130 to arrive at an estimated $2,350 per pupil. The budget legislation makes provisions for a 2% teacher salary increase along with a one year step increase for teacher salaries and an increase in the state salary schedule to 23 years. The K-12 technology initiative is afforded $29.3 million in Education Lottery proceeds. The State Department of Education is provided $18 million in Education Lottery proceeds for instructional materials. $23 million, including $2 million in recurring funds, is provided for new school buses. The budget includes $28 million in recurring increases for the state’s colleges and universities. $10 million is provided for the Children’s Hospital at MUSC. $13.5 million in nonrecurring funds is devoted to worker training through the Ready SC Program at the state’s technical colleges. A 3.25% state employee pay increase is provided with $54.3 million in recurring funds. $26 million is included to cover the increased costs of operating the state's health and dental insurance plans with no increases in the premiums paid by employees and no reductions in coverage. The Local Government Fund receives $12.5 million in recurring dollars and $10.6 million in nonrecurring dollars for total funding of $233.1 million. $5 million is provided for a Rural Health Initiative partnership between DHHS and the USC School of Medicine to enhance the recruitment of physicians to practice in underserved areas and to improve access to life-saving emergency room care in the wake of rural hospital closures. Telemedicine is afforded $10 million through the Healthy Outcomes provisions and an additional $2 million in recurring funds. $2.8 million is allocated to the Rural Infrastructure Fund that is used to provide grants for water and sewer projects that facilitate economic development in rural areas. $8 million is included for a new Statewide Water and Sewer Fund that allows areas that do not meet the criteria for being considered rural to obtain grants for sewer and water projects that are needed to support economic development. $17 million is provided for the Deal Closing Fund that the Department of Commerce uses to recruit new business to the state. The Department of Commerce is afforded $6 million for the Locate SC Site Inventory for potential business relocation prospects and $2 million for the Office of Innovation to support high-tech and high-growth industries.

Lawmakers approved legislation (H.4717) that responds to the unprecedented damage of the October 2015 floods by creating the **“South Carolina Farm Aid Fund”** to assist farmers in order to prevent the economic collapse of many of the state’s farms which could cause a severe disruption in the state’s economy and food supply chain. Established with a $40 million appropriation from the 2014‑2015 Contingency Reserve Fund, the Farm Aid Fund is created for making financial awards to farmers who experienced significant losses in the catastrophic flooding of October 2015. Grant awards must be used for expenses that demonstrate an intent to continue the agricultural operation, such as purchases of seed and fertilizer.

The General Assembly approved legislation crafted to address the State Supreme Court’s ruling in the long-running education lawsuit concerning the extent of the state’s responsibility for providing free public education under the South Carolina Constitution. The General Assembly approved legislation (H.4936) designating **educational goals for all South Carolina high school graduates**, along with the standards and areas of learning by which these goals are measured, in order to ensure that graduates have the world class knowledge and skills needed for college and career readiness. Lawmakers approved **education reform initiatives** (H.4939) that require the State Department of Education to develop a system for providing academic assistance, assistance with finances, and other technical support to local school districts and make annual progress reports on the impact of this assistance in terms of such factors as student academic achievement and high school graduation rates. The department is charged with new responsibilities for monitoring underperforming school districts to recommend improvements in the districts’ professional development of teachers, staff, and administrators and changes that will allow school boards to operate more efficiently and effectively. A periodic review of education laws is established for the purpose of culling out obsolete state provisions and identifying all federal education statutes and regulations along with the cost for compliance. The **Office of Transformation** is established within the State Department of Education (H.4940) to coordinate technical assistance for underperforming schools and districts. A higher education **survey on teaching in rural and economically challenged school districts** was authorized (H.4938) to question students enrolled in the state’s colleges of education on whether they have considered teaching in such districts and what incentives might prompt them to move to, and work in these districts.

The **“South Carolina Founding Principles Act”** (H.3848) was approved to incorporate into the social studies standards of the state’s public schools instruction on the founding principles that shaped the United States. At a minimum, this required study shall include the United States Constitution and such topics as the Federalist Papers, the structure of government and the role of the separation of powers, and the freedoms guaranteed by the Constitution’s Bill of Rights.

The General Assembly approved enhancements to the state’s Ethics, Government Accountability, and Campaign Reform Act. Legislation (H.3184) was enacted to provide for **more independent means of investigating alleged misconduct of public officials** by discontinuing current practices of the legislative and executive branches of state government each exclusively investigating the alleged ethics violations of their own members and instead providing for allegations of public misconduct to be investigated by a reconstituted State Ethics Commission made up of members selected by both of these branches of government. The investigations of the State Ethics Commission are to be conducted in strict confidentiality; however, when the commission makes a recommendation that probable cause exists regarding alleged violations, the complaint and certain other documents and materials become public. If a recommendation of probable cause involves the legislative branch, the commission’s report is relayed to the appropriate legislative ethics committee to pursue the matter and decide if it is appropriate to take such actions as imposing penalties, issuing reprimands, or recommending that the legislative body expel a member. The reconstituted Ethics Commission continues to exercise its responsibilities over those in the executive branch of state government and others who are subject to the state’s Ethics Act provisions such as local government officials. Provisions are made for **more expansive statements of economic interests** for public officials and others who are required to make these Ethics Act filings with the passage of legislation (H.3186) that revises disclosure requirements so that they address not only public money, but also require a listing of the private source and type of any income received in the previous year by those who are filing with the Ethics Commission and their immediate family members.

Lawmakers approved legislation (S.267) **shortening the legislative session** by making provisions for the regular annual session of the General Assembly to end by the second Thursday in May rather than the current deadline for final adjournment of the first Thursday in June.

The General Assembly approved legislation (S.1166) **addressing debt and academic accreditation issues at South Carolina State University**. SC State has demonstrated improvements that have allowed the institution to be taken off probation by the Southern Association of Colleges and Schools and retain its accreditation. The joint resolution makes provisions for the forgiveness of $12 million in state loans to South Carolina State University over the course of three years if the university meets specified benchmarks such as maintaining academic accreditation, achieving progress towards a balanced budget and positive net financial position, and meeting student enrollment growth goals. A revised repayment schedule is provided for the $6 million state loan to SC State that was approved by the Budget and Control Board. The authority for instituting cost-saving mandatory employee furlough programs at the university is extended through Fiscal Year 2021‑2022. The budget legislation (H.5001, H.5002) includes $4.6 million to address the university’s debt.

Legislators approved the **“Tucker Hipps Transparency Act”** (H.4521), legislation named in memory of the Clemson University student who died during a fraternity activity on September 22, 2014. The legislation requires the state’s public institutions of higher education, excluding technical colleges, to maintain reports detailing student misconduct investigations related to fraternity and sorority organizations formally affiliated with the institution that include violations of a Student Code of Conduct for offenses involving alcohol, drugs, sexual assault, physical assault, and hazing. Colleges and universities must make these reports available to the public by posting them on their Internet websites and must furnish printed notifications about the reports to those who attend student orientation.

The **”South Carolina Pain-Capable Unborn Child Protection Act"** (H.3114) established a prohibition on the performance of abortions beginning at twenty weeks following fertilization. Restrictions do not apply to late term abortions in order to prevent the death or serious physical impairment of the mother or when fetal anomalies are present that are likely to prevent a child’s life from being sustained after birth.

The **“South Carolina Anti‑Money Laundering Act”** (H.4554) was approved to establish a more comprehensive regulatory authority over money transfers. The legislation established new requirements for the licensure and regulation of money transmission and currency exchange services with the South Carolina Attorney General. A graduated scale of penalties are established for violations, including felony criminal penalties for falsifying records and engaging in illicit money transfers. State grand jury jurisdiction is expanded to include Anti‑Money Laundering Act violations.

**Domestic Violence Fatality Review Committees** (H.4666) are established by each Circuit Solicitor. These interagency circuit‑wide review committees assist local agencies in identifying and reviewing domestic violence deaths, including homicides and suicides. It also facilitates communication among the various agencies involved in domestic violence cases. These local review committees are also charged with making recommendations to the state’s Domestic Violence Advisory Committee and others regarding improvements to domestic violence response and prevention initiatives.

Lawmakers made **counterfeit or nonfunctional airbags** unlawful (S.1015). These unlawful airbags cannot be imported, manufactured, sold, or installed and tampering with a diagnostic system to inaccurately indicate that a motor vehicle is equipped with a properly functioning airbag is unlawful.

The “**Bad Faith Assertion of Patent Infringement Act”** (H.3682) was approved to prevent so-called patent trolls from making abusive assertions relating to intellectual property. These claims include false accusations of patent right infringements. The legislation establishes criteria for determining which demands for payment of license fees or threats of litigation constitute unlawful bad faith assertions of patent infringement and provides legal remedies for those targeted by such practices.

The **Coordinating Council of Workforce Development** (H.4145) was created for sharing information, encouraging collaboration, and making policy recommendations on how to make the most of the state’s various initiatives for training the current and emerging workforce to meet the needs of South Carolina’s economy.

Legislation (H.4639) was approved to authorize the Commission on Higher Education to enter into **interstate reciprocity agreements governing the operation of postsecondary distance education programs** offered by accredited degree‑granting institutions of higher learning in South Carolina.

Lawmakers approved legislation (H.3891) revising **motor vehicle rental company fees** as a means of encouraging rental companies to title and register their vehicle fleets in this state.

Legislators approved **renewable energy tax incentives** (H.3874) that include an income tax credit to encourage the installation of large-scale solar energy collection equipment on certain environmental clean-up sites so that these properties can be put to productive use.

The General Assembly approved legislation (S.427) authorizing **tax incentives** **for agricultural packaging operations**. The legislation also provides that agricultural businesses must be considered by the Department of Commerce and the Coordinating Council for Economic Development in awarding benefits for economic development projects.

The **South Carolina Veterans and Warriors to Agriculture Program** (S.1028) was created to integrate veterans into the field of agriculture and support veterans currently working in agriculture.

Legislators authorized **tax relief for military retirees** (H.3147) by phasing in over the course of five years a South Carolina individual income tax deduction for military retirement benefits in an amount of up to thirty thousand dollars each year for those who are at least sixty‑five years old and up to seventeen thousand five hundred dollars each year for younger taxpayers. A surviving spouse receiving military retirement income is eligible for the deductions.

Legislation was approved (H.5193) to make **enhancements to the “South Carolina Overdose Prevention Act”** that all allow for more expansive dispensation of opioid antidotes to those who may be at risk of a drug overdose. The legislation also directs the state’s Department of Health and Environmental Control to study the use of marijuana in the treatment of post-traumatic stress disorder in veterans as a possible alternative to opioid prescriptions.

Legislation (H.4816) was approved to designate June 27th of each year as **South Carolina Post‑Traumatic Stress Injury (PTSI) Awareness Day**.

The **“South Carolina Telemedicine Act”** (S.1035) was approved to revise statutes governing the practice of medicine to incorporate provisions for telemedicine which involves the use of such means as electronic communications and information technology to allow a physician to practice medicine in one location while the patient is in another location.

**“Hope’s Law”** (S.339) was enacted to establish **requirements for mammography reports to be provided to patients that include information about dense breast tissue** which makes mammogram results more difficult to evaluate and may also be associated with an increased risk of breast cancer.

The **“Cervical Cancer Prevention Act”** (H.3204) was approved to provide authority for the Department of Health and Environmental Control to offer voluntary cervical cancer vaccination, the human papillomavirus vaccination (HPV) series, for adolescent students including those enrolling in the seventh grade in any school (public, private, or home schooling program) in this state. The legislation specifies that vaccination is not mandatory for students and parental consent requirements are included for vaccinations provided by DHEC. The department may develop and provide informational brochures concerning adolescent vaccinations.

**“Ronald Rouse’s Law”** (H.3265) was enacted to establish new **requirements for public high school students to receive cardiopulmonary resuscitation (CPR) training** including hands‑only CPR training and awareness in the use of an automated external defibrillator (AED).

The **“Emergency Anaphylaxis Treatment Act”** (H.3706) was approved to allow authorized institutions, organizations, and businesses, such as colleges and universities, daycare facilities, places of worship, restaurants, places of employment, recreation camps, youth sports leagues, amusement parks, and sports arenas, to keep supplies of epinephrine auto-injectors, also known as EpiPens, in stock 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 stock supplies of epinephrine auto-injectors for these authorized places that may be administered by designated individuals who have completed required training on the proper use of these auto-injectors and how to recognize the symptoms of severe allergic reactions, including anaphylaxis. The legislation affords certain immunity from legal liability regarding the good faith use of epinephrine auto-injectors.

The General Assembly approved legislation (H.3145) affording **protection from legal liability for those who take actions to prevent hot car deaths** of children and vulnerable adults who are left unattended in locked motor vehicles. The legislation provides that a person is immune from civil liability for the property damage resulting from a forcible entry into a motor vehicle for the purpose of rescuing a minor or vulnerable adult who appears to be in imminent danger of suffering harm.

Legislation (H.5218) was approved designating the month of May of every year as **“Water Safety Awareness Month”** in South Carolina to promote an understanding of the critical importance of water safety practices in an effort to reduce drowning deaths among children in this state.

The **“Eye Care Consumer Protection Law”** (S.1016) was enacted to establish requirements for spectacles and contact lenses to be dispensed to patients only with valid prescriptions from optometrists and physicians properly licensed in South Carolina. A prescription for spectacles or contact lenses may not be based solely on eye scans generated by an automated kiosk.

**“The Right To Try Act”** (H.4542) was approved to provide authorization for physicians to prescribe certain promising experimental treatments to terminally ill patients who have considered and exhausted all other treatment options currently approved by the U.S. Food and Drug Administration.

The General Assembly approved legislation (H.4773), designated as **“Margy’s Law”**, which expands South Carolina’s Emergency Medical Services Do Not Resuscitate Order Act by including provisions for a **Do Not Resuscitate bracelet** that may be worn by someone with a terminal condition to signify to health care providers and EMS personnel that they are to withhold resuscitative treatment in keeping with an official order.

In response to a maternal death rate in South Carolina that exceeds the national average, legislation (H.3251) was approved to establish the **Maternal Morbidity and Mortality Review Committee** under the Department of Health and Environmental Control to review maternal deaths and develop strategies for their prevention.

Legislators approved **enhancements for foster care** that include limitations on the number of children who may be placed in a foster home (H.4510) and provisions for the Department of Social Services to normalize the lives of children in foster care by allowing a caregiver, without the department’s prior approval, to make decisions similar to those a parent would be entitled to make regarding a child’s participation in age or developmentally appropriate extracurricular, enrichment, cultural, and social activities such as sports, field trips, social activities, vacations, employment opportunities, and after school programs (H.4546).

Lawmakers made provisions for **two additional at-large family court judges** (H.4877).

The General Assembly approved a bill (H.4387) **banning ticket quotas** by law enforcement agencies. State and local law enforcement agencies may not require officers to meet a quota for the number of citations issued. Employees who file reports alleging violations are protected by the state’s “Whistle Blower Act”.

Legislation (H.4878) was approved to establish **confidentiality provisions for communications with law enforcement peer‑support teams**, made up of such personnel as chaplains, mental health professionals, and public safety peers, which provide emotional and moral support to public safety employees and their immediate family members following critical incidents.

Lawmakers approved legislation (H.5299) that establishes a certification process to provide **authority for businesses to** **transport necessary goods and services to disaster areas during curfews**.

**Funding for firefighting needs** **and emergency medical services training** was approved in legislation (S.973) that allocates a portion of insurance premium tax revenues to support firefighting and equipment replacement at the South Carolina Forestry Commission, equipment replacement and V‑SAFE grants for local fire departments, and grants for training emergency medical technicians and paramedics.

The General Assembly approved legislation (S.454) that makes comprehensive provisions for the issuance of **deer hunting tags** for in-state residents and non-residents. This new tagging system does not revise game zones or seasons, but it does include requirements for hunters to tag every deer taken in the state.

Responding to innovations in such areas as wireless communications and Internet-based services that have transformed the telecommunications marketplace over the course of recent years, the **“State Telecom Equity in Funding Act”** (S.277) was approved to revise statutory requirements for telecommunications service providers to make contributions to the Universal Service Fund as well as to the program that provides specialized telecommunications services to those who are deaf or have other hearing or speech impairments.

Legislation (S.21) was approved to authorize the **issuance of driver’s licenses to those who use bioptic telescopic lenses** for vision assistance so long as these individuals satisfy specialized training requirements and meet other criteria. Drivers who use these lenses are subject to certain restrictions such as driving only during daylight hours, no driving during adverse weather conditions that significantly reduce visibility, a maximum speed of fifty miles per hour, no driving on an interstate highway, and a prohibition on operating a motorcycle, moped, or motor scooter.

Lawmakers designated January 17th of each year as **“Eartha Kitt Day”** in South Carolina (H.3036) to honor the late Eartha Mae Kitt, nationally and internationally known actress, singer, and native South Carolinian, and to promote cultural tourism in the state.

Legislation (H.5020) was approved to declare the third Saturday in May of each year as **“South Carolina Day of Service”** when all South Carolinians are encouraged to lend a hand to make a positive difference.

The General Assembly made provisions for adding a **Habitat for Humanity check off on income tax forms** (H.4765) that may be used to make voluntary contributions to support the organization’s charitable house building programs.

The **“South Carolina Public Prayer and Invocation Act”** (S.233) revises statutory protocols for deliberative public bodies that may invite religious leaders to offer voluntary public invocations at its meetings.

Addressing an abiding concern of the late South Carolina Senator, the **“Clementa C. Pinckney Uniform Partition of Heirs’ Property Act”** (H.3325) establishes a legal procedure for partitioning real estate. When a court determines that real property meets the criteria established for “heirs’ property” several methods are set forth to resolve ownership issues and quiet title to the real estate. This legislation was established as a means of preserving property rights in situations where land has been passed down through generations without written wills or properly probated wills, and when that the property is owned in common by multiple heirs.

**AGRICULTURE**

**AGRICULTURAL ECONOMIC DEVELOPMENT BENEFITS**

The General Assembly approved **S.427**, a bill that addresses economic development benefits for agriculture. The legislation establishes job tax credit eligibility provisions for agricultural packaging operations and for seasonal workers at agricultural packaging and agribusiness operations. A sales tax exemption is established for machines used in agricultural packaging operations. The legislation provides that, in awarding benefits for economic development projects, including awards from the Governor’s Closing Fund, the Department of Commerce and the Coordinating Council for Economic Development must consider agricultural businesses. The Department of Commerce and the coordinating council must consider the number of jobs created, including full‑time, part‑time, and seasonal jobs, and the total investment made, including the cost of the real property.

*STATUS: Having passed the General Assembly, S.427 was ratified on June 2, 2016 (R.218) and was signed into law by the Governor on June 8 (Act No. 256).*

**CLASSIFICATION OF REAL PROPERTY AS AGRICULTURAL FOR TAX PURPOSES**

The General Assembly approved **H.3313**, a bill that includes provisions relating to the classification of real property as agricultural for tax purposes. The legislation provides that roll‑back taxes must not be applied solely because the owner of the property fails to make written application for an agricultural assessment so long as the actual use of the property remains agricultural. If the property assessment is changed from agricultural or the property is assessed roll‑back taxes, the owner may appeal, and if an appeal is made, the property must continue to be assessed as agricultural and the roll‑back taxes may not be applied until the final appeal date. The legislation makes provisions for the portion of a parcel of real property changed from agricultural use for purposes of residential or commercial development that is designated on the recorded development plat of the parcel as ‘green space for conservation’ or ‘open space’ if it equals ten percent or more of the area included within the outermost boundaries of the residential or commercial development to be valued according to its new ‘green space for conservation’ or ‘open space’ use for purposes in calculating roll‑back tax due on the parcel.

*STATUS: Having passed the General Assembly, H.3313 was ratified on June 2, 2016 (R.250) and was signed into law by the Governor on June 7 (Act No. 251).*

**“SOUTH CAROLINA FARM AID FUND”**

Responding to the unprecedented damage of the October 2015 floods, the General Assembly approved **H.4717**, legislation creating the “South Carolina Farm Aid Fund” to assist farmers in order to prevent the economic collapse of many of the state’s farms which could cause a severe disruption in the state’s economy and food supply chain. Established with a $40 million appropriation from the 2014‑2015 Contingency Reserve Fund, the South Carolina Farm Aid Fund is created for making financial awards to farmers who have experienced a verifiable loss of agricultural commodities of at least forty percent as a result of the catastrophic flooding of October 2015. Grant awards must be used for agricultural production expenses and losses due to the flood which demonstrate an intent to continue the agricultural operation, such as purchases of seed and fertilizer. Awards may not be used to purchase new equipment. Grant awards that are falsely obtained or misspent must be refunded. Criminal penalties are provided to address fraud. The legislation makes provisions for each grant to equal up to twenty percent of an individual’s verifiable loss of agricultural commodities, and establishes limitations so that grants may not exceed one hundred thousand dollars and may not, when combined with losses covered by insurance, exceed one hundred percent of the actual loss. The grant program is to be administered by the Department of Agriculture in consultation with the Department of Revenue and a Farm Aid Advisory Board composed of: the Commissioner of Agriculture, or his designee, who serves as chairman; the Director of the Department of Revenue, or his designee; the Vice President for Public Service and Agriculture of Clemson Public Service Activities, or his designee, the Vice President for Land Grant Services of South Carolina State Public Service Activities, or his designee; one member representing South Carolina Farm Bureau appointed by the Commissioner of Agriculture; one member representing a farm credit association appointed by the Commissioner of Agriculture; one member representing the crop insurance industry appointed by the Director of the Department of Revenue; and, one member who is an agricultural commodities producer appointed by the Director of the Department of Revenue. Sunset provisions are included so that the Farm Aid Fund and the Advisory Board are dissolved no later than June 30, 2017.

*STATUS: Having passed the General Assembly, H.4717 was ratified on May 11, 2016 (R.182). The Governor vetoed the legislation on May 16. The House and Senate subsequently voted to override the Governor’s veto to allow the bill to become law (Act No. 174).*

**SOUTH CAROLINA VETERANS AND WARRIORS TO AGRICULTURE PROGRAM**

The General Assembly approved **S.1028**, legislation establishing the South Carolina Veterans and Warriors to Agriculture Program. The creation of this programwith bewithin the South Carolina Department of Agriculture, integrating veterans into the field of agriculture and support veterans currently working in agriculture. The Department of Agriculture, the Division of Veterans’ Affairs, the Adjutant General, Clemson University, South Carolina State University, and any other institution of higher learning that offers agricultural programs shall work in conjunction to recruit and train eligible veterans, and develop and support the program. The State Treasury has a separate and distinct fund known as the ‘South Carolina Veterans and Warriors to Agriculture Program and Fund’. The fund shall consist of gifts, grants and donations, and legislative appropriations which may be made to support the program. Expenditures from the fund shall be used exclusively to pay costs, fees, and expenses necessary to administer the program.

*STATUS: Having passed the General Assembly, S.1028 was ratified on June 2, 2016, (R.232) and was signed into law by the Governor on June 3 (Act No. 208).*

**APPROPRIATIONS FOR FISCAL YEAR 2016-2017**

The General Assembly approved **H.5001**, the General Appropriation Bill, and **H.5002**, the joint resolution making appropriations from the Capital Reserve Fund, which together comprise the $7.5 billion Fiscal Year 2016-2017 state government budget.

The budget includes $50 million in nonrecurring funds to be distributed among the County Transportation Committees to use for resurfacing, reconstructing, and repairing roads and bridges in the state‑owned secondary road system.

$84 million in Department of Motor Vehicles fees and fines and $131 million in motor vehicle sales tax revenue is transferred to the State Highway Fund.

The Department of Transportation is charged with developing and implementing a needs-based weighting methodology to allocate funding within the state funded road resurfacing program, which must include consideration on a county-by-county basis, to ensure that each county in the state is guaranteed funding.

$49 million is allocated to the Department of Transportation to address road repair costs from the October 2015 flood damage.

$72 million in nonrecurring funds is allocated as the full state and local match for Federal Emergency Management Agency (FEMA) funds for the 2015 catastrophic flood response.

$30 million is provided for coastal beach renourishment.

The Department of Health and Environmental Control receives full funding for its dam safety inspection and permitting program.

For K-12 public education, $218 million is used to increase the base student cost by $130 to arrive at an estimated $2,350 per pupil.

The budget legislation makes provisions for a 2% teacher salary increase along with a one year step increase for teacher salaries and an increase in the state salary schedule to 23 years.

$750 thousand in Education Improvement Act funds is included for teacher supplies.

$19.2 million in recurring funds is allocated for bus driver salary enhancements to address driver shortages.

$23 million, including $2 million in recurring funds, is provided for new school buses.

The K-12 technology initiative is afforded $29.3 million in Education Lottery proceeds.

The State Department of Education is provided $18 million in Education Lottery proceeds for instructional materials.

Education and Economic Development Act initiatives are afforded $10 million in recurring funds.

The State Department of Education is provided $3 million in Education Lottery proceeds for college and career readiness.

$13 million in Education Improvement Act funds is included to address S.C. Public Charter School District growth.

Virtual SC is afforded $1.1 million in recurring funds.

The Governor’s School for Science and Mathematics is provided $1.2 million in recurring funds for its statewide Accelerate Engineering program.

$4.5 million in Education Improvement Act funds is allocated for AdvancED technical assistance.

$1 million in recurring funds is provided for full-day four-year-old kindergarten instructional costs.

$1.5 million from the Capital Reserve Fund is provided to the State Department of Education for a statewide facilities assessment.

$9 million in nonrecurring funds is allocated for school districts that have a poverty index of at least eighty percent to use for teacher recruitment and retention purposes, such as providing signing bonuses or merit bonuses.

$8.25 million in Education Improvement Act funds is included for the rural teacher initiative that allows one year of a teacher’s student loan debt to be forgiven for every two years of teaching in an underserved area.

$16.8 million in nonrecurring funds is included for technical assistance to the Abbeville education lawsuit plaintiff districts and other rural school districts to facilitate online test taking and increase access.

$3 million in Education Lottery funds is provided for mobile device access and management.

$3.1 million in Education Lottery funds is included for efficiency studies in all plaintiff school districts.

Provisions are included for a system of tiers of technical assistance that the State Department of Education provides for low-performing schools which are failing to meet state standards or which have the lowest high school graduation rates.

New provisions are included that authorize the State Superintendent of Education to declare a state of emergency in a school district if the accreditation status is probation or denied, if a majority of the schools fail to show improvement on the state accountability system, if the district is classified as being in “high risk” status financially, or for financial mismanagement resulting in a deficit. A state of emergency may be declared by the State Superintendent for an individual school if the accreditation status is probation or denied or if the school fails to show improvement on the state accountability system. Upon declaration of a state of emergency, the State Superintendent of Education may take over management of the school or district, which may include direct management, consolidation with another district, charter management, public/private management, or contracting with an educational management organization or another school district.

In response to multiple reports that have highlighted the cost inefficiencies at the John de la Howe School for at risk youth and the lack of data regarding the impact of the program on student outcomes, the budget legislation includes a provision that directs the school’s board of trustees to work withan advisory group comprised of one person each designated by the Director of the Department of Social Services, the Director of the Department of Mental Health,the Director of the Department of Juvenile Justice, the State Superintendent of Education, the Director of the Department of Alcohol and Other Drug Abuse Services, the Chair of the Joint Citizens and Legislative Committee on Children, a Representative appointed by the Speaker of the House, and a Senator appointed by the President Pro Tempore of the Senate to recommend an educational, vocational, and life skills training program at the John de la Howe School for older youth who are at risk and who are aging out of the foster care or the juvenile justice supervisory programs of the Department of Social Services or the Department of Juvenile Justice. In consultation with the advisory group, the board of trustees is directed to procure a contract with a nationally accredited child-service provider to operate the program. The John de la Howe Board of Trustees, in consultation with the advisory group, will make recommendations to the Governor and General Assembly regarding the future role of the John De La Howe School.

Full funding is provided for the LIFE, HOPE, and Palmetto Fellows higher education scholarship programs.

Tuition grants are increased by $100 per student for a new maximum grant of $3,100 which provides need-based assistance to students attending eligible independent non-profit in-state colleges.

$5 million in Workforce Scholarships is included to provide grants for tuition, fees, transportation, or textbook expenses to state residents enrolled in a career education program at a technical school or professional certification program.

The budget includes $28 million in recurring increases for the state’s colleges and universities.

The budget legislation includes $4.6 million to address debt at South Carolina State University.

Provisions are included for the transfer of the Felton Lab from S.C. State University to the S.C. Public Charter School District.

$10 million is provided for the Children’s Hospital at MUSC.

$13.5 million in nonrecurring funds is devoted to worker training through the Ready SC Program at the state’s technical colleges. $6.4 million in recurring funds is provided for manufacturing, healthcare, and Science, Technology, Engineering, and Math (STEM) training. $23 million in nonrecurring funds is provided to the Board of Technical and Comprehensive Education for critical training equipment.

$7 million in recurring funds and $10 million in nonrecurring funds is provided for the Deal Closing Fund that the Department of Commerce uses to recruit new business to the state. The Department of Commerce is afforded appropriations of $6 million in nonrecurring funds for the Locate SC Site Inventory for potential business relocation prospects, $3 million in nonrecurring funds for research initiatives, $2 million in nonrecurring funds for the Office of Innovation, $400,000 in recurring funds for the SC Manufacturing Extension Partnership, $400,000 in nonrecurring funds for IT-ology Coursepower, $250,000 in recurring funds for the SC Council on Economic Competitiveness, and $300,000 in nonrecurring funds for the US Department of Defense Business Diversification grant match.

$2.8 million in recurring funds is allocated to the Rural Infrastructure Fund that is used to provide grants for water and sewer projects that facilitate economic development in rural areas. $8 million is included for a new Statewide Water and Sewer Fund that allows areas that do not meet the criteria for being considered rural to obtain grants for sewer and water projects that are needed to support economic development.

The Department of Employment and Workforce is allocated $500,000 in recurring funds for the Certified Work Ready Communities initiative.

A 3.25% state employee pay increase is provided with $54.3 million in recurring funds.

$26 million is included to cover the increased costs of operating the state's health and dental insurance plans with no increases in the premiums paid by employees and no reductions in coverage.

$18.4 million is allocated for retirement contributions increases in the South Carolina Retirement System and the Police Officers Retirement System. The budget legislation accommodates a 0.5% increase for employer and employee retirement system contributions.

$28 million is used to fully fund the reserve accounts that the state uses to cope with revenue shortfalls.

The Department of Administration is afforded $9.6 million to implement an information technology disaster recovery plan for all state agencies.

The Local Government Fund receives $12.5 million in recurring dollars and $10.6 million in nonrecurring dollars for total funding of $233.1 million.

The Department of Health and Human Services is afforded $129 million in recurring funds to accommodate part of the growth in the state’s Medicaid Program with recurring funding rather than funding from reserve accounts.

$8.5 million in nonrecurring funds is provided for an updated Medicaid Management and Information System.

The budget provides for the continuation of Medicaid Program accountability and quality improvement programs such as: the Healthy Outcomes Initiative for meeting the needs of chronically ill uninsured patients through home visits and care in other settings outside the emergency room; a Primary Care Safety Net utilizing such resources as Federally Qualified Health Centers and free clinics; and efforts to enhance provider capacity in rural and underserved areas.

Telemedicine is afforded $10 million through the Healthy Outcomes provisions and $2 million in recurring funds.

$5 million is provided for a Rural Health Initiative partnership between DHHS and the USC School of Medicine to enhance the recruitment of physicians to practice in underserved areas and to improve access to life-saving emergency room care in the wake of rural hospital closures. Provisions include an exemption from Certificate of Need requirements for the construction of a facility in a medically underserved area that can provide emergency care and stabilization beds twenty-four hours a day, seven days a week, and is designed to utilize the Statewide Telemedicine Network.

The budget legislation includes a provision that sets priorities in the awarding of state and federal family planning funds to contractors with top priority given to state, county and other public entities that provide family planning services and local community health clinics and federally qualified health centers; middle priority assigned to nonpublic entities that provide comprehensive primary and preventive health services in addition to family planning services; and lowest priority given to nonpublic entities that provide family planning services but do not provide comprehensive primary and preventive health services. Those who award family planning funds must submit an annual report to the General Assembly that details funds awarded to the lowest priority contractors and includes an explanation of how it was determined that there was an insufficient number of preferred service providers available to be awarded family planning funds and meet the need for services.

The Department of Health and Environmental Control receives $661,500 in recurring funds to enhance its dam safety inspection and permitting program, $8 million in recurring funds along with $3.7 million in nonrecurring funds for its data center infrastructure, $2 million in nonrecurring funds for electronic medical records, $1.75 million in recurring funds to enhance its infectious disease tuberculosis program, $2.75 million in nonrecurring funds for water quality infrastructure, $945,00 in recurring funds for ambient water quality monitoring, $1.5 million in nonrecurring funds for cancer screenings, and $100,000 in nonrecurring funds for Donate Life’s Organ Donor Registry.

The budget allocates nonrecurring funds derived from the sale of DHEC’s home health services by providing $2.6 million for data center infrastructure, $5.2 million for Pinewood Custodial Site capital improvements and repairs, $5.8 million for electronic medical records, and $3.1 million for flood recovery operations.

The Department of Mental Health is allocated $4.2 million in recurring funds for the Sexually Violent Predator Program, $2.5 million in recurring funds for inpatient clinical and medical services, $2.5 million in recurring funds for forensics, $500,000 in recurring funds for school based services, $1 million in recurring funds for a crisis stabilization unit, and $1.2 million in recurring funds for long term care services in state nursing homes.

The Department of Disabilities and Special Needs receives $6.6 million in recurring funds to reduce its waiting lists, $1.2 million in recurring funds for the transition to community-based services, $500,000 in recurring funds for expansion of non-emergency respite care beds, $500,000 in recurring funds for post-acute rehab for traumatic brain or spinal cord injuries, and $500,000 in recurring funds for enhanced research through the Greenwood Genetic Center, including blood testing for autism.

The Department of Vocational Rehabilitation is provided $635,287 in recurring funds for School-to-Work Transition Services and $1.5 million in nonrecurring funds for improvements to various state facilities.

The Department of Alcohol and Other Drug Abuse Services receives $1.75 million in recurring funds for prescription drug abuse medication assisted treatment and $3 million from the Capital Reserve Fund for infrastructure improvements in the substance abuse provider system.

At the Department of Social Services, $5.6 million in recurring funds is devoted to child and adult protective services recruitment and retention. $6.2 million in recurring funds and $1 million in nonrecurring funds is allocated for the development of the child support system. Utilizing $3.4 million in recurring funds, the budget provides for an increase in monthly family foster care and kinship care payment rates. $800,000 in nonrecurring funds is provided for criminal domestic violence initiatives with the South Carolina Coalition Against Domestic Violence and Sexual Assault.

The State Law Enforcement Division is provided $364,000 in recurring funds for law enforcement officer rank change, $3.2 million in recurring and nonrecurring funds to complete vehicle rotation, and $17.8 million in nonrecurring funds for the forensics lab expansion.

The Attorney General’s Office receives $1 million in recurring dollars for retention funding, $200,000 in recurring funds for prosecutors and $81,200 in recurring funds for a forensic examiner in the Internet Crimes Against Children division, and $600,600 in recurring funds for violent crimes and sex crimes prosecutors.

The Commission on Minority Affairs receives $200,000 in recurring funds for a human trafficking hotline.

The budget provides $500,000 in recurring funds for a judicial rotation subsistence increase.

The Prosecution Coordination Commission is afforded $2.98 million in recurring funds to allow for additional prosecutors to handle increased domestic violence caseloads, $7.8 million in recurring dollars for caseload equalization funding, and $400,000 in recurring funds for the SC Center for Fathers and Families.

The Commission on Indigent Defense is afforded $6.2 million in recurring dollars for additional public defenders and an additional $2 million for the Rule 608 Contract Fund for indigent defense.

The budget legislation provides for the reauthorization of the Sentencing Reform Oversight Committee to examine the need for criminal justice reform initiatives.

The Department of Corrections receives $8 million in recurring dollars for its correctional officer hiring rate adjustment and retention plan to reduce turnover rate at the agency, $2.75 million in recurring funds for the middle phase its mental health remediation plan, and $722,328 in recurring funds for the middle phase its medical remediation plan.

The Department of Probation, Parole, and Pardon Services is provided $1.98 million in recurring funds for officer retention and $6.4 million in recurring funds to offset revenue loss due to sentencing reform.

The Department of Juvenile Justice receives $1 million in recurring funds for its correctional officer hiring rate adjustment and retention plan to reduce turnover rate at the agency and $200,000 in nonrecurring funds for AMI Kids.

The Department of Natural Resources is allocated $326,930 in recurring funds for law enforcement officer step increases, $261,312 in recurring funds for vehicle rotation, and $3 million in nonrecurring funds for wildlife management areas.

A predator control provision is included in the budget legislation that directs the Department of Natural Resources to develop and implement a coyote tagging and reward program. DNR must tag and release four coyotes in each of the state’s four game zones and apply a reward of a complimentary lifetime hunting license per tagged coyote to the hunter/trapper, or his designee.

$72 million in nonrecurring funds is allocated to the Adjutant General’s Emergency Management Division as the full state and local match for Federal Emergency Management Agency (FEMA) funds for the 2015 catastrophic flood response. The Adjutant General’s Office receives $5 million from the Capital Reserve Fund for armory revitalization.

The budget legislation accommodates the $40 million appropriation from the 2014‑2015 Contingency Reserve Fund for the “South Carolina Farm Aid Fund” that is created to assist farmers who suffered extensive damage in the October 2015 floods through H.4717.

The Department of Agriculture is afforded $1 million from the Capital Reserve Fund for consumer protection equipment and $750,000 in recurring and $500,000 in nonrecurring funds to expand “Certified SC” marketing of the state’s produce.

Clemson PSA receives $1.2 million in recurring and $500,000 in nonrecurring funds for its agriculture and natural resources program, $1.7 million in nonrecurring funds for program facilities, and $750,000 in recurring funds for the animal industry infectious disease program to address such issues as the avian flu.

The Forestry Commission receives $320,000 in recurring funds for additional firefighters, $1 million from the Capital Reserve Fund for firefighting equipment, and $200,000 in recurring funds for implementing a forest inventory system.

Operations at the Department of Motor Vehicles are funded with recurring dollar appropriations since funds derived from fines and fees that the DMV has retained to fund department operations are transferred to the State Highway Fund.

$1.5 million in nonrecurring funds is appropriated to the State Ports Authority for Jasper Ocean Terminal permitting.

The Department of Parks, Recreation and Tourism receives $4 million from the Capital Reserve Fund for rebuilding welcome centers, $3 million in nonrecurring funds for the Medal of Honor Museum, $4 million in nonrecurring funds for the African American History Museum, and $1 million in nonrecurring funds for the Children’s Museum of the Upstate.

The Department of Archives and History receives $2.3 million in nonrecurring funds for architectural heritage preservation.

The State Library is afforded $222,000 in recurring funds for electronic resources and $1 million in recurring funds for aid to county libraries.

The Arts Commission receives $500,000 in nonrecurring funds for the SC Artisans Center.

The Department of Revenue is afforded $1 million in nonrecurring funds for an extension of identity and credit protection services and receives $1 million in nonrecurring funds and $1.9 million from the Capital Reserve Fund for implementing an updated tax processing system.

The State Auditor’s Office is appropriated $325,000 for additional audit capabilities.

The State Ethics Commission receives $150,000 in recurring funds and $10,000 in nonrecurring funds for auditors.

The State Election Commission receives $254,000 in recurring funds for county compliance auditors and supervisors.

The Lieutenant Governor’s Office on Aging receives $1 million in recurring funds for family caregiver services that allow seniors to remain at home rather than the more expensive alternative of institutional care, and $1.5 million in recurring funds for home and community based services to be used for purchasing home delivered meals, group dining meals, transportation, and home care.

*STATUS: Having passed the General Assembly, H.5001, the General Appropriation Act, was ratified on June 2, 2016 (R.275). On June 8, the Governor vetoed certain items. Legislators subsequently sustained some of the vetoes, but overrode others to allow these provisions, along with provisions not vetoed by the Governor, to become law (Act No. 284). Having passed the General Assembly, H.5002, the joint resolution making appropriations from the Capital Reserve Fund, was ratified on June 2, 2016 (R.276). On June 8, the Governor vetoed certain items. Legislators subsequently overrode the vetoes and the joint resolution became law (Act No. 285).*

**BUSINESS, ECONOMIC DEVELOPMENT, AND EMPLOYMENT**

**ALTERNATIVE FUEL TAX INCENTIVES**

The General Assembly approved **S.1122**, a bill establishing tax incentives for investments in alternative fuel storage and distribution infrastructure and motor carrier vehicle fleets powered by alternative fuels. The legislation establishes provisions that allow a taxpayer who purchases or constructs and installs and places in service in this state eligible property that is used for distribution, dispensing, or storing alternative fuel at a new or existing facility to receive an income tax credit equal to twenty‑five percent of purchase, construction, and installation costs. The legislation makes provisions for temporary property tax discounts on a motor carrier’s newly-acquired motor vehicles fueled wholly or partially by alternative fuel. The definition of alternative fuel is revised to include liquefied natural gas.

*STATUS: Having passed the General Assembly, S.1122 was ratified on June 2, 2016 (R.239) and was signed into law by the Governor on June 6 (Act No. 269).*

**“ARCHITECTURAL EXPERIENCE PROGRAM”**

The General Assembly approved **S.1177**, legislation that revises provisions for the professional licensure of architects by replacing provisions for the “Intern Development Program” with provisions for the “Architectural Experience Program”. The program allows students to receive academic credit for internship experience as a means of facilitating entry into the field of architecture.

*STATUS: Having passed the General Assembly, S.1177 was ratified on June 2, 2016 (R.241) and was signed into law by the Governor on June 3 (Act No. 215).*

**BAD FAITH ASSERTION OF PATENT INFRINGEMENT ACT**

The General Assembly approved **H.3682**. This Act sets penalties for “patent trolls” who make abusive assertions relating to intellectual property, such as false accusations of patent rights infringement. Even when claims of infringement on intellectual property lack merit, those accused of patent infringement may be inclined to pay a license fee that is demanded, rather than face the expense and uncertainty of defending their intellectual property ownership through litigation. The legislation establishes provisions making it unlawful to make a bad faith assertion of patent infringement. The legislation establishes criteria for determining which demands for payment of license fees, or threats of litigation, constitute bad faith assertions of patent infringement, and provides legal remedies for those targeted by such practices. The Attorney General is authorized to act upon violations. A sunset provision is included so that this Act is set to expire on July 1, 2021, unless it is reauthorized by the General Assembly.

*STATUS*: *Having passed the General Assembly, H.3682 was ratified on June 6, 2016, (R.299) and was signed into law by the Governor on June 9 (Act No. 261).*

**CLOSING FEES IN MOTOR VEHICLE SALES**

The General Assembly approved **H.4548**, a bill addressing closing fees charged by motor vehicle dealers. Responding to a 2015 ruling from the South Carolina Supreme Court, the legislation revises provisions authorizing motor vehicle dealers to charge closing fees in motor vehicle sales for all administrative and financial work needed to transfer the motor vehicle such as compliance with all state, federal, and lender requirements, preparation and retrieval of documents, protection of the private personal information of the consumer, records retention, and storage costs. The legislation establishes a process for the Department of Consumer Affairs to review proposed closing fees to determine whether they are reasonable in amount. A motor vehicle dealer is, however, authorized to charge a closing fee of no more than two hundred twenty-five dollars per vehicle which is considered to be automatically approved as reasonable under these provisions without having to be submitted to the department for review.

*STATUS: Having passed the General Assembly, H.4548 was ratified on June 2, 2016 (R.262) and was signed into law by the Governor on June 3 (Act No. 231).*

**COORDINATING COUNCIL OF WORKFORCE DEVELOPMENT**

The General Assembly approved **H.4145**, legislation that creates a Coordinating Council of Workforce Development to develop and implement procedures for sharing information and coordinating efforts among stakeholders to prepare the state’s current and emerging workforce to meet the needs of the state’s economy and to make recommendations on policy changes to the General Assembly. The coordinating council is comprised of the following members: (1) the Secretary of the Department of Commerce or his designee; (2) the State Superintendent of Education or his designee; (3) the Executive Director of the State Board for Technical and Comprehensive Education or his designee; (4) the Executive Director of the Department of Employment and Workforce or his designee; (5) the Executive Director of the Commission on Higher Education or his designee; (6) the president or provost of a research university who shall be selected by the presidents of the research universities; (7) the president or provost of a four‑year college or university who shall be selected by the presidents of the four‑year universities; (8) the president of a technical college who shall be appointed by the Chairman of the State Board for Technical and Comprehensive Education; (9) a person appointed by the Superintendent of Education who has particularized expertise regarding Chapter 59, Title 59, the South Carolina Education and Economic Development Act; and (10) a representative from the business community appointed by the President of the South Carolina Chamber of Commerce. The coordinating council shall: (a) develop and implement procedures for sharing information and coordinating efforts among stakeholders to prepare the state’s current and emerging workforce to meet the needs of the state’s economy. The primary workforce focus of the council shall be on persons over age twenty‑one; (b) make recommendations to the General Assembly concerning matters related to workforce development that exceed the council members’ agencies’ scope of authority to implement so that legislation would be required; (c) recommend to the General Assembly programs intended to increase student access to and incentivize workforce training within state training programs or through programs offered by businesses through scholarships, grants, loans, tax credits, or other programs documented to be effective in addressing current and future workforce needs; (d) develop a method for identifying and addressing long‑term workforce needs; (e) conduct an ongoing inventory of existing workforce programs to identify duplications among and within the programs and identify ineffective programs. The council may make recommendations concerning the appropriate actions necessary to eliminate duplication, improvements to ineffective programs so that the programs can achieve the desired result, or the elimination of programs that no longer meet workforce needs;and (f) submit an annual progress report to the Governor and the General Assembly, by July first of each fiscal year, concerning the actions taken by the council during the previous fiscal year, and any recommendations for legislation or agency action. The council may submit additional reports on an ongoing basis as deemed necessary by the council chairman.

*STATUS: Having passed the General Assembly, H.4145 was ratified on June 2, 2016 (R.260) and was signed into law by the Governor on June 8 (Act No. 252).*

**COUPONS FOR BEER AND WINE SALES**

The General Assembly approved **H.5245** to allow manufacturers of beer or wine, vintners, wineries, brewers, importers, or retailers to offer or sponsor coupons and rebates to consumers to purchase beer or wine. Coupons and rebates include retailer instant redeemable coupons, mail-in rebates, and coupons or rebates offered, or redeemable, through any electronic means. However, wholesalers are prohibited from participating in the procurement, redemption, or other costs associated with any coupon or rebate for beer or wine purchases. Beer brewers, beer manufacturers, wineries, wine manufacturers, vintners, as well as beer or wine importers and wholesalers are all prohibited from offering, or participating, in the procurement, redemption, or other costs associated with paper instant redeemable coupons and scanback coupons for beer and wine in this state.

*STATUS*: *Having passed the General Assembly, H.5245 was ratified on June 2, 2016, (R.286) and was signed into law by the Governor on June 5 (Act No. 248).*

**DEPARTMENT OF INSURANCE LICENSURE AND OVERSIGHT PROVISIONS**

The General Assembly approved **H.4817**, a bill making revisions relating to oversight by the Department of Insurance. Requirements are included to subject someone applying for or renewing a resident insurance producer license to criminal background screenings. The legislation includes requirements for an individual who applies for a bondsman or runner license to provide his business, email, mailing, and residential street address to the department and notify the department in a timely manner of changes in this contact information. The legislation requires an applicant to provide an email address to the department when applying for insurance producer’s licenses, insurance adjuster’s licenses, public insurance adjuster’s licenses, or motor vehicle physical damage appraiser’s licenses. The legislation eliminates affidavit requirements within the requirements for a nonresident to be licensed as an insurance broker. The legislation revises provisions relating to warning stamps on policies of eligible surplus lines insurance, so as to no longer require a broker to write or stamp a warning on the face of an application for eligible surplus lines insurance.

*STATUS: Having passed the General Assembly, H.4817 was ratified on May 24, 2016 (R.204) and was signed into law by the Governor May 26 (Act No. 194).*

**DEVELOPMENT PLAN WAIVERS FOR DEEDING UNDEVELOPED PROPERTY**

Legislators approved **H.3972**. Land development plans, or land use plans, cannot be prerequisites to signing, witnessing, and recording any deed transferring the ownership of undeveloped real estate. Counties are still allowed to continue to require grantees to file a plat with any deed being recorded.

*STATUS*: *Having passed the General Assembly, H.3972 was ratified on March 10, 2016, (R.148) and was signed into law by the Governor on March 14 (Act No. 144).*

**EMINENT DOMAIN POWERS DENIED TO PRIVATE, FOR‑PROFIT PIPELINE COMPANIES**

The General Assembly approved **S.868**. This legislative ban on the exercise of eminent domain powers applies to publicly-traded, for‑profit companies that are not defined as public utilities. A sunset provision for this ban is set for June 30, 2019, unless the General Assembly takes other action.

*STATUS*: *Having passed the General Assembly, S.868 was ratified on June 2, 2016, (R.225) and was signed into law by the Governor on June 3 (Act No. 205).*

**ENGINEERS AND SURVEYORS**

The General Assembly approved **S.685**, legislation revising the provisions governing the licensure and regulation of engineers and surveyors, including: revisions to training requirements; requirements that certain members of the South Carolina State Board of Registration for Professional Engineers and Surveyors must be actively practicing their professions; provisions governing the operation of branch offices; and, authorization for the issuance of a waiver of licensing and credentialing requirements for up to ninety days to allow out-of-state engineers to respond to emergencies in South Carolina.

*STATUS: Having passed the General Assembly, S.685 was ratified on June 2, 2016 (R.222) and was signed into law by the Governor on June 3 (Act No. 259).*

**FEES PAID TO REDEVELOPMENT AUTHORITIES FORMED TO COPE WITH PAST MILITARY BASE CLOSURES**

The General Assembly approved **S.227**, legislation to provide an extension on fees paid to redevelopment authorities formed to cope with military base closures in the state from previous rounds of federal Base Realignment and Closure (BRAC). This bill revises provisions relating to the remission of redevelopment fees to a redevelopment authority, to extend the end date for remissions from January 1, 2017, to January 1, 2021. The redevelopment fee remitted in any fiscal year may not exceed the amount remitted in Fiscal Year 2014‑2015.

*STATUS: Having passed the General Assembly, S.227 was ratified on June 2, 2016 (R.212) and was signed into law by the Governor on June 7 (Act No. 255).*

**HEATING AND AIR CONDITIONING MECHANICAL CONTRACTOR CREDENTIALS**

The General Assembly approved **H.4138**, a bill relating to the display of heating and air conditioning mechanical contractor credentials. The legislation establishes requirements for those holding licenses in the mechanical contractor subclassification of air conditioning, heating, or packaged equipment to display their mechanical contractor licenses in a conspicuous manner at their principal places of business and to display their mechanical contractor license numbers on their commercial vehicles and on their invoices and proposal forms.

*STATUS: Having passed the General Assembly, H.4138 was ratified on May 24, 2016 (R.202) and was signed into law by the Governor on May 26 (Act No. 193).*

**INSURERS’ REHABILITATION AND LIQUIDATION ACT REVISIONS**

The General Assembly approved **S.693** which revises the Insurers’ Rehabilitation and Liquidation Act to make provisions that are specific to federal home loan banks and insurer‑members of those banks in delinquency proceedings.

*STATUS: Having passed the General Assembly, S.693 was ratified on May 24, 2016 (R.193) and was signed into law by the Governor on May 26 (Act No. 190).*

**INTERSTATE INSURANCE PRODUCT REGULATION COMPACT** **REENACTMENT**

The General Assembly approved **H.4662**, a bill providing for the reenactment of the Interstate Insurance Product Regulation Compact and related provisions, enacted by Act 339 of 2008, which expired on June 1, 2014. The legislation makes these reenacted provisions retroactive to this expiration date, and specifically does not reenact certain obsolete provisions.

*STATUS: Having passed the General Assembly, H.4662 was ratified on April 19, 2016 (R.166) and was signed into law by the Governor on April 21 (Act No. 161).*

**INCLUSION OF MOTORCYCLES WITHIN MOTOR VEHICLE EXPRESS WARRANTY PROVISIONS**

The General Assembly approved **H.3788**, a bill to provide for the inclusion of motorcycles within motor vehicle express warranty provisions. The legislation revises the definitions of the terms “motor vehicle” and a “new motor vehicle” in provisions governing the enforcement of motor vehicle express warranties to include motorcycles and certain other motorcycle three‑wheel vehicles.

*STATUS: Having passed the General Assembly, H.3788 was ratified on April 19, 2016 (R.162) and was signed into law by the Governor on April 21 (Act No. 157).*

**LICENSE RENEWAL REQUIREMENTS FOR PROFESSIONAL BONDSMEN, SURETY BONDSMEN, AND RUNNERS**

The General Assembly approved **H.4931**, legislation that increases continuing education requirements for professional bondsmen, surety bondsmen, and runners by requiring them to complete eight hours, rather than six hours, each year of continuing education in subjects related to their duties and responsibilities in order to renew their licenses. These annual continuing education requirements continue to be in addition to the twenty‑four hour continuing education requirement for surety insurance agents.

*STATUS: Having passed the General Assembly, H.4931 was ratified on June 2, 2016 (R.272) and was signed into law by the Governor on June 5 (Act No. 240).*

**“LIMITED LINES TRAVEL INSURANCE ACT”**

The General Assembly approved **H.4141**, the “Limited Lines Travel Insurance Act”, to provide authority for travel retailers to offer and disseminate, under a limited lines travel insurance producer business entity license, travel insurance coverage for personal risks incident to planned travel such as: interruption or cancellation of trip or event; loss of baggage or personal effects; damages to accommodations or rental vehicles; and sickness, accident, disability, or death occurring during travel.

*STATUS: Having passed the General Assembly, H.4141 was ratified* *on April 19, 2016 (R.164) and was signed into law by the Governor on April 21 (Act No. 159).*

**MANUFACTURING HOUSING RETAIL DEALERSHIPS**

The General Assembly approved **H.3881**, a bill to provide that each licensed manufacturing housing retail dealer location must have one licensed authorized official representing the dealership. The legislation requires an authorized official who is not the dealer to hold a manufactured home retail salesperson or retail dealer license. The legislation provides that the Manufactured Housing Board must be notified in writing within twenty days if the authorized official changes.

*STATUS: Having passed the General Assembly, H.3881 was ratified on February 11, 2016 (R.138) and was signed into law by the Governor on February 16 (Act No. 135).*

**MOTOR VEHICLE RENTAL COMPANY FEES**

The General Assembly approved **H.3891**, a bill revising motor vehicle rental company fees and fees for the rental of heavy equipment as a means of encouraging rental companies to title and register their vehicle fleets in this state.

*STATUS: Having passed the General Assembly, H.3891 was ratified on June 2, 2016 (R.256) and was signed into law by the Governor on June 3 (Act No. 224).*

**MULTIPLE LOT REAL PROPERTY TAX DISCOUNT EXTENSION**

The General Assembly approved **H.3710**, a bill that extends the multiple lot real property tax discount that has been provided to property developers to allow for an additional year of eligibility in certain circumstances so that it would apply for property tax years beginning after 2011 and before 2017.

*STATUS: Having passed the General Assembly, H.3710 was ratified on June 2, 2016 (R.254) and was signed into law by the Governor on June 6 (Act No. 237).*

**OFF‑PREMISES OUTDOOR ADVERTISING SIGNS CLASSIFIED AS PERSONAL PROPERTY FOR TAX PURPOSES**

The General Assembly approved **H.4712**, a bill making clarifications regarding the classification of off‑premises outdoor advertising signs as personal property for tax purposes. The legislation establishes conditions under which an off‑premises outdoor advertising sign is classified as tangible personal property for tax purposes, and establishes provisions under which the value of a lease or lease income on such billboards may not be used in the assessment of the tax value of the real property on which the advertising sign is erected. The legislation includes provisions for any sign permit required by local, state, or federal law to be considered as intangible personal property for ad valorem property tax purposes.

*STATUS: Having passed the General Assembly, H.4712 was ratified on April 26, 2016 (R.173) and was signed into law by the Governor on April 29 (Act No. 167).*

**PAWNBROKERS**

The General Assembly approved **H.4090**, a bill revising requirements governing the operation of pawnbrokers. Offered as a comprehensive update of the provisions regulating pawnbrokers, the legislation includes among its revisions an increase in the maximum amount of a loan that a pawnbroker is allowed to make from $2,000 to $15,000.

*STATUS: Having passed the General Assembly, H.4090 was ratified on June 6, 2016 (R.300) and was signed into law by the Governor on June 9 (Act No. 262).*

**PETROLEUM PIPELINE STUDY COMMITTEE**

**S.1065** establishes a temporary Petroleum Pipeline Study Committee, charged with submitting its report by June 30, 2017 to the General Assembly. They will make findings and recommendations related to the presence of petroleum pipelines in South Carolina.

*STATUS*: *Having passed the General Assembly, S.1065 was ratified on June 6, 2016, (R.296) and was signed into law by the Governor on June 9.*

**PRISONER REHABILITATION AND REINTRODUCTION INTO COMMUNITIES**

The General Assembly approved **S.338**. This legislationadds SC Code Section 24-13-180 to cover certain public, private, or nonprofit groups engaged in aiding rehabilitation and reintroduction of paroled prison inmates into communities. As a part of these programs, residential housing is provided to parolees. Before opening a facility or providing housing, they must first provide notice, in a newspaper of general circulation, where these residential housing facilities will be located. Also, they must conduct public hearings about their programs and reveal the locations of their residential housing operations. Hearings are for informational purposes only. They do not bind any groups’ decision making authority.

*STATUS*: *Having passed the General Assembly, S.338 was ratified on June 2, 2016, (R.216) and was signed into law by the Governor on June 3 (Act No. 201).*

**REAL ESTATE APPRAISERS**

The General Assembly approved **H.5023**, a bill making various revisions to the South Carolina Real Estate Appraiser License and Certification Act. Notably, the legislation makes provisions for one of the members of the Real Estate Appraisers Board to be a certified residential appraiser and includes alignment provisions for federal and state chartered banks.

*STATUS: Having passed the General Assembly, H.5023 was ratified on June 2, 2016 (R.279) and was signed into law by the Governor on June 5 (Act No. 243).*

**REAL ESTATE BROKERS, SALESPERSONS, AND PROPERTY MANAGERS**

The General Assembly approved **S.1013**, a bill overhauling and updating the licensure and regulation of real estate brokers, salespersons, and property managers. The legislation systematically reorganizes the chapter and includes some substantive changes. Notably, the bill includes provisions for the operation of real estate teams supervised by a broker-in-charge and increases continuing education requirements for real estate license renewals from eight hours to ten hours.

*STATUS: Having passed the General Assembly, S.1013 was ratified on May 11, 2016 (R.177) and was signed into law by the Governor on May 12 (Act No. 170).*

**RISK RETENTION GROUPS**

The General Assembly approved **S.978**, a bill addressingrisk retention groups. The legislationrevises provisions for risk‑based capital plans, so as to increase the multiplier for a company action level event for a life and health insurer from 2.5 to 3.0. The legislation revises provisions relating to the chartering of a risk retention group, so as to: define terms; provide that a majority of a risk retention groups’ directors must be independent directors; establish the maximum term of any material service provider contract; require the board of directors to adopt a written policy; require the board of directors to adopt and disclose its governance standards; require the board to adopt and disclose a code of business conduct and ethics; require a risk retention group to comply with applicable regulations; establish procedures for noncompliance; and, set established dates for compliance. The legislation revises provisions relating to out‑of‑state risk retention groups, so as to allow an out‑of‑state risk retention group to submit revisions to its plan of operation within thirty days of approval by the State Insurance Commission or within thirty days if no approval is required. The legislation extends certain provisions to a risk retention group licensed as a captive insurance company.

*STATUS: Having passed the General Assembly, S.978 was ratified on May 24, 2016 (R.194) and was signed into law by the Governor on May 26 (Act No. 191).*

**SAVINGS PROMOTION CONTESTS**

The General Assembly approved **S.652**, legislation providing authority for financial institutions that do business in South Carolina to conduct savings promotion contests for members and customers which encourage people to save money by adding a feature to personal savings accounts that include a chance to win prizes.

*STATUS: Having passed the General Assembly, S.652 was ratified on June 2, 2016 (R.221) and was signed into law by the Governor on June 3 (Act No. 203).*

**SOUTH CAROLINA ANTI‑MONEY LAUNDERING ACT**

The General Assembly approved **H.4554**. This legislation establishes new provisions for the regulation and oversight of money transmission services. The legislation is offered as a means of rectifying South Carolina’s status as the only U.S. state lacking comprehensive regulatory authority over money transfers. Our state has become a center for money laundering activities that facilitate organized criminal enterprises and terrorist activities. This Act establishes new requirements for the licensure and regulation of money transmission and currency exchange services with the South Carolina Attorney General. Record keeping requirements are imposed on licensees. The Attorney General’s Office is afforded authority to review records and conduct investigations. Penalties are established for violations, which include felony criminal penalties for falsifying records, or engaging in illicit money transfers. The severity of punishment for the felony committed depends upon the dollar amounts involved [$300 to $20,000; $20,000 to $100,000; or over $100,000]. State grand jury jurisdiction is expanded to include South Carolina Anti‑Money Laundering Act violations.

*STATUS*: *Having passed the General Assembly, H.4554 was ratified on June 6, 2016, (R.305) and was signed into law by the Governor on June 9 (Act No. 266).*

**“STATE TELECOM EQUITY IN FUNDING ACT”**

The General Assembly approved **S.277**, the “State Telecom Equity in Funding Act”. Responding to innovations in such areas as wireless communications and Internet-based services that have transformed the telecommunications marketplace over the course of recent years, the legislation revises statutory requirements for telecommunications service providers to make contributions to the Universal Service Fund as well as to the program that provides specialized telecommunications services to those who are deaf or have other hearing or speech impairments. Act 488 of 1990 authorized the Public Service Commission to establish a statewide program to provide telephone access to individuals with hearing or speech impairments through a dual party relay system that allows those who are deaf, hearing, and speech impaired to communicate through an intermediary party, and authorized that the program be funded through monthly surcharges imposed on all of a local exchange telephone company's residential and business lines. The “State Telecom Equity in Funding Act” revises the funding mechanism for the dual party relay program so that surcharges are collected not only on traditional land line telephones, but also on the full array of telecommunications services offered in the contemporary market, including commercial mobile radio service (CMRS), prepaid wireless service, and Voice over Internet Protocol (VoIP) service. The legislation revises statutory provisions for the state’s Universal Service Fund, which is used for initiatives to guarantee access to affordable telecommunications services in sparsely-populated rural areas and other places that may be underserved by the marketplace, to accommodate the collection of surcharges not only on traditional land lines, but also on wireless telecommunications services. The legislation revises provisions that govern the maximum size of the state’s Universal Service Fund to establish a new, lower, cap on USF funds. A carrier of last resort authorized to receive funds from the USF is subject to random compliance audits and other investigations by the Public Service Commission Office of Regulatory Staff. The Office of Regulatory Staff is also charged with new responsibilities for making regular reports to the to the Public Utilities Review Committee on the status of the Universal Service Fund detailing funding needs and appropriate levels of USF distributions.

*STATUS: Having passed the General Assembly, S.277 was ratified on May 24, 2016 (R.192) and was signed into law by the Governor on May 25 (Act No. 181).*

**SURPLUS LINES INSURANCE PLACED THROUGH A LICENSED INSURANCE BROKER**

The General Assembly approved **H.4660**, legislation that revises provisions relating to limited line and special producer licensure, so as to provide that a licensed property casualty insurance producer may place surplus lines insurance through a licensed insurance broker without being appointed by the surplus lines insurer.

*STATUS: Having passed the General Assembly, H.4660 was ratified on February 25, 2016 (R. 141) and was signed into law by the Governor on March 2 (Act No. 137).*

**TEXTILES COMMUNITIES REVITALIZATION TAX CREDIT ENHANCEMENT**

The General Assembly approved **H.5009**, a bill that revises the South Carolina Textiles Communities Revitalization Act by eliminating a provision that limits a tax credit to fifty percent of income tax, corporate license fee, and insurance premium tax liability.

*STATUS: Having passed the General Assembly, H.5009 was ratified on May 17, 2016 (R.189) and was signed into law by the Governor on May 23 (Act No. 179).*

**TRANSPORTING NECESSARY GOODS AND SERVICES TO DISASTER AREAS DURING CURFEWS**

The General Assembly approved **H.5299**, legislation that establishes authority for transporting necessary goods and services to disaster areas during curfews. The legislation revises the Governor’s authority in times of emergency to make provisions for a certification process with the Emergency Management Division to authorize someone to enter a disaster area and operate during times when a state or local curfew has been imposed in order to transport necessary commercial goods to the curfew area, assist in ensuring the availability of these needed goods, or to assist in restoring utility services. The certification system shall be included in the State Emergency Plan.

*STATUS: Having passed the General Assembly, H.5299 was ratified on June 2, 2016 (R.289) and was signed into law by the Governor on June 3 (Act No. 236).*

**WORKERS’ COMPENSATION INSURANCE PROVISIONS**

The General Assembly approved **S.1064**. To reflect current practices, SC Code Section 38-73-525 has been amended regarding the loss cost figures that must be used, as well as the procedures to be followed by workers’ compensation insurance writers.

*STATUS*: *Having passed the General Assembly, S.1064 was ratified on June 2, 2016, (R.237) and was signed into law by the Governor on June 3 (Act No. 213).*

**THE COURTS**

**ADDITIONAL AT-LARGE FAMILY COURT JUDGES**

Legislators approved **H.4877**. This legislation increases the number of at-large family court judges statewide from six to eight. These at-large judges are elected without regard to their county, or judicial circuit, of residence.

*STATUS*: *Having passed the General Assembly, H.4877 was ratified on June 2, 2016, (R.270) and was signed into law by the Governor on June 7 (Act No. 253).*

**AGE TO BE CONSIDERED A CHILD OR JUVENILE IN CRIMINAL PROCEEDINGS**

The General Assembly approved **S.916**. This legislationrevises the definitions of ‘child’ and ‘juvenile’ to meananyone less than eighteen [18] years old. Makes an exception to these definitions for 17 year olds charged with Class A, B, C, or D felonies. Their cases can nevertheless be remanded to Family Court in the discretion of the Circuit Solicitor. Sets procedures for transferring cases to Family Court and SC Department of Juvenile Justice jurisdiction.

South Carolina Court Administration must consult with the South Carolina Commission on Indigent Defense, South Carolina Commission on Prosecution Coordination, South Carolina Department of Corrections, South Carolina Department of Juvenile Justice, and the South Carolina Department of Probation, Parole and Pardon Services to determine data and statistics that should be collected to determine the fiscal and revenue impact of this act.

*STATUS*: *Having passed the General Assembly, S.916 was ratified on June 2, 2016, (R.227) and was signed into law by the Governor on June 6 (Act No. 268).*

**BAD FAITH ASSERTION OF PATENT INFRINGEMENT ACT**

The General Assembly approved **H.3682**. This Act sets penalties for “patent trolls” who make abusive assertions relating to intellectual property, such as false accusations of patent rights infringement. Even when claims of infringement on intellectual property lack merit, those accused of patent infringement may be inclined to pay a license fee that is demanded, rather than face the expense and uncertainty of defending their intellectual property ownership through litigation. The legislation establishes provisions making it unlawful to make a bad faith assertion of patent infringement. The legislation establishes criteria for determining which demands for payment of license fees, or threats of litigation, constitute bad faith assertions of patent infringement, and provides legal remedies for those targeted by such practices. The Attorney General is authorized to act upon violations. A sunset provision is included so that this Act is set to expire on July 1, 2021, unless it is reauthorized by the General Assembly.

*STATUS*: *Having passed the General Assembly, H.3682 was ratified on June 6, 2016, (R.299) and was signed into law by the Governor on June 9 (Act No. 261).*

**CLEMENTA C. PINCKNEY** **UNIFORM PARTITION OF HEIRS’ PROPERTY ACT**

The General Assembly approved **H.3325**. This legislation empowers courts with specific procedures and authority for resolving heirs’ property disputes. Plaintiffs who seek notice by publication, where real estate is identified as heirs’ property, must post a sign on the property, within ten days, containing a notice that a partition action has commenced. This sign must be properly maintained.

When courts determine their evidentiary value outweighs costs for appraisals, then fair market values for heirs’ property will be determined by disinterested real estate appraisers. After fair market values have been determined, if any co-owners request a partition by sale, plaintiffs must notify all parties that any co-owner may buy out the other co-owners’ interests. When a co-owner is interested in buying the others out, then the court must be notified of this intent within ten days, and prior to any scheduled partition hearing date.

After this ten-day period expires, plaintiffs must send notice to all parties of what has taken place. After this notice has been sent, if one or more co-owners elect to buy out the interests of the others who requested a partition sale, the court must then set a deadline for this purchase. If they fail to timely pay this money, twenty days after notice of nonpayment is given, any remaining co-owners who paid money into the court may elect to purchase any remaining ownership interests in the heirs’ property by tendering to the court the entire buyout amount.

If all co-owner interests are not purchased by the remaining co-owners, or if, after conclusion of the buyout, a co-owner remains who demands a partition-in-kind, or a partition by allotment, then the court shall order it to be done. The court can decline to issue such an order if it finds that partition in kind or partition by allotment would cause manifest prejudice to this group of co-owners. When courts are making a determination, the act lists the considerations the court must take.

Any court-ordered land sale must be a public sale. However, the court is allowed to order sealed bids or a public auction when it would be more economically advantageous for the co-owners. When this determination is made, then the court order must set forth the terms and conditions for the receipt of sealed bids, or for any public auction.

SC Code Section 15-61-10 is amended regarding partition actions. Court hearings must be held to determine if a partition action involves heirs’ property. In addition, the clerk of court, for the county where the action is filed, is required to send out notice that the partition action is pending.

NOTE: This Act applies to partition actions filed after January 1, 2017.

*STATUS*: *Having passed the General Assembly, H.3325 was ratified on April 19, 2016, (R.158) and was signed into law by the Governor on April 21 (Act No. 153).*

**COUNTERFEIT OR NONFUNCTIONAL AIRBAGS**

The General Assembly approved **S.1015**. Counterfeit or nonfunctional airbags in motor vehicles are unlawful. Anyone knowingly and intentionally importing, manufacturing, selling, offering for sale, installing, or reinstalling in motor vehicles counterfeit airbags, or nonfunctional airbags, has committed this offense. Criminal provisions are also established to target sales and transfers of vehicles with these unlawful airbags. Tampering with a motor vehicle’s diagnostic system to inaccurately indicate that the motor vehicle is equipped with a properly functioning airbag is also a violation of this Act. Penalties are established for violations.

*STATUS*: *Having passed the General Assembly, S.1015 was ratified on June 6, 2016, (R.295) and was signed into law by the Governor on June 9 (Act No. 271).*

**SOUTH CAROLINA UNIFORM FIDUCIARY ACCESS TO DIGITAL ASSETS ACT**

The General Assembly approved **S.908**. Itcovers the management and disposition of digital assets after the death or incapacitation of their user. The scope of this legislation includes fiduciaries, personal representatives, conservators, custodians, and trustees. Users’ testamentary documents will control access to their online information, even when the terms of their user agreements, that the deceased or incapacitated person signed when they opened the account, are conflicting, if the procedures in this bill have been followed.

Unless a user has prohibited disclosure, or a court has issued a contrary directive, a digital assets custodian would be permitted to disclose to users’ trustees, attorneys-in-fact, agents, personal representatives, or conservators when proper documents have been utilized for the information request. The legal duties imposed upon fiduciaries managing tangible property will also apply to their management of digital assets as well.

*STATUS*: *Having passed the General Assembly, S.908 was ratified on June 2, 2016, (R.226) and was signed into law by the Governor on June 3 (Act No. 260).*

**SOUTH CAROLINA UNIFORM POWER OF ATTORNEY ACT**

The General Assembly approved **S.778**. This legislation sets out the duties and requirements for valid durable powers of attorney in South Carolina and establishes uniform definitions and procedures for signing these documents.

NOTE: This Act becomes effective January 1, 2017.

*STATUS*: *Having passed the General Assembly, S.778 was ratified on June 6, 2016, (R.294) and was signed into law by the Governor on June 9 (Act No. 279).*

**CRIMINAL JUSTICE AND LAW ENFORCEMENT**

**AGE TO BE CONSIDERED A CHILD OR JUVENILE IN CRIMINAL PROCEEDINGS**

Legislators approved **S.916**. This legislationrevises the definitions of ‘child’ and ‘juvenile’ to meananyone less than eighteen [18] years old. Makes an exception to these definitions for 17 year olds charged with Class A, B, C, or D felonies. Their cases can nevertheless be remanded to Family Court, at the discretion of the Circuit Solicitor. Sets procedures for transferring cases to Family Court and SC Department of Juvenile Justice jurisdiction. South Carolina Court Administration must consult with the South Carolina Commission on Indigent Defense, South Carolina Commission on Prosecution Coordination, South Carolina Department of Corrections, South Carolina Department of Juvenile Justice, and the South Carolina Department of Probation, Parole and Pardon Services to determine data and statistics that should be collected to determine the fiscal and revenue impacts of this act.

*STATUS*: *Having passed the General Assembly, S.916 was ratified on June 2, 2016, (R.227) and was signed into law by the Governor on June 6 (Act No. 268).*

**COUNTERFEIT OR NONFUNCTIONAL AIRBAGS**

The General Assembly approved **S.1015**. Counterfeit or nonfunctional airbags in motor vehicles are unlawful. Anyone knowingly and intentionally importing, manufacturing, selling, offering for sale, installing, or reinstalling in motor vehicles counterfeit airbags, or nonfunctional airbags, has committed this offense. Criminal provisions are also establish to target sales and transfers of vehicles with these unlawful airbags. Tampering with a motor vehicle’s diagnostic system to inaccurately indicate that the motor vehicle is equipped with a properly functioning airbag is also a violation of this Act. Penalties are established for violations.

*STATUS*: *Having passed the General Assembly, S.1015 was ratified on June 6, 2016, (R.295) and was signed into law by the Governor on June 9 (Act No. 271).*

**DOMESTIC VIOLENCE FATALITY REVIEW COMMITTEES**

The General Assembly approved **H.4666**.Domestic Violence Fatality Review Committees are established to review domestic violence incidents in each judicial circuit. Committee membership will include those with law enforcement, criminology, forensics, legal, medical, and other fields of expertise in domestic violence. The committee will make recommendations for additional training, proposed amendments to existing law or new laws, other additional education, or changes to existing practices with a focus on reducing domestic violence incidents throughout our state.

*STATUS*: *Having passed the General Assembly, H.4666 was ratified on March 10, 2016, (R.151) and was signed into law by the Governor on March 15 (Act No. 147).*

**ELECTRONIC TICKETING**

The General Assembly approved **H.3685**. This legislationhas been enacted to bring South Carolina into compliance with federal electronic ticketing requirements. Court-processed tickets and license surrender information must be sent electronically. Any drivers’ license suspensions or revocation periods will begin the date licenses are surrendered, not the date tickets are court-processed. When license holders request administrative hearings, and if their drivers’ license suspensions, cancellations, or revocations continue as a result of these hearings, then any suspension period will begin as of their administrative hearing date. Tickets must be electronically transmitted by court clerks or magistrates to the Department of Motor Vehicles within five [5] days. The legislation establishes penalties for losing tickets, using nonuniform tickets, or failing to timely forward electronic ticket records to the Department of Motor Vehicles.

*STATUS*: *Having passed the General Assembly, H.3685 was ratified on May 24, 2016, (R.198) and was signed into law by the Governor on May 25 (Act No. 185).*

**JUDGE WILLIAM R. BYARS YOUTHFUL OFFENDER ACT**

The General Assembly approved **S.1090**.Chapter 19, Title 24 of the South Carolina Code of Laws is now known as the Judge William R. Byars Youthful Offender Act. This new designation recognizes contributions Judge Byars made to the juvenile justice system. He has served as Family Court Judge, Children’s Law Office Director at the University of South Carolina School of Law, Department of Juvenile Justice Director, and Department of Corrections Director.

*STATUS*: *Having passed the General Assembly, S.1090 was ratified on April 26, 2016, (R.170) and was signed into law by the Governor on April 29 (Act No. 164).*

**LAW ENFORCEMENT AGENCIES TRAFFIC TICKET QUOTAS**

The General Assembly approved **H.4387**. Law enforcement agencies, departments, or divisions, including municipal police departments, sheriff departments, the Highway Patrol, SLED, and other agencies that enforce state and local laws, cannot require their officers to issue a specific amount, or meet a quota for, the number of citations issued during a designated period of time. Law enforcement officers’ job performance reviews may be based on their points of contact with citizens and businesses as well as their participation in community‑oriented initiatives. Law enforcement agency, department, or division employees who file reports with appropriate authorities alleging a violation of these provisions are protected by the South Carolina Whistle Blower Act.

*STATUS*: *Having passed the General Assembly, H.4387 was ratified on June 6, 2016, (R.303) and was signed into law by the Governor on June 9 (Act No. 264).*

**LAW ENFORCEMENT OFFICERS HALL OF FAME**

The General Assembly approved **H.4507**. Membership on the South Carolina Law Enforcement Officer Hall of Fame Advisory Committee is expanded to include the President of the South Carolina Fraternal Order of Police, or his designee.

*STATUS*: *Having passed the General Assembly, H.4507 was ratified on February 25, 2016, (R.140) and was signed into law by the Governor on March 2 (Act No. 136).*

**LAW ENFORCEMENT PEER‑SUPPORT TEAM CONFIDENTIALITY**

The General Assembly approved **H.4878**, legislation establishing confidentiality provisions for communications with law enforcement peer‑support teams, made up of such personnel as chaplains, mental health professionals, and public safety peers, which provide emotional and moral support to public safety employees and their immediate family members following critical incidents. Under the legislation, communications between a client and any member of a peer‑support team, including other clients involved in the same peer‑support process, shall be confidential and privileged, except when: (1) the disclosure is authorized by the client making the disclosure, or, if the client is deceased, the disclosure is authorized by the client’s executor, administrator, or in the case of unadministrated estates, the client’s next of kin. This provision only applies to statements made by the client; (2) the peer‑support team member was an initial responding officer, witness, or party to the critical incident; (3) the communication was made when the member of the peer‑support team was not performing official duties in the peer‑support process; or (4) the disclosure evidences a present threat to the client or to any other individual, or the disclosure constitutes an admission of a violation of state or federal law.

*STATUS: Having passed the General Assembly, H.4878 was ratified on June 2, 2016 (R.271) and was signed into law by the Governor on June 3 (Act No. 234).*

**LICENSE RENEWAL REQUIREMENTS FOR PROFESSIONAL BONDSMEN, SURETY BONDSMEN, AND RUNNERS**

The General Assembly approved **H.4931**, legislation that increases continuing education requirements for professional bondsmen, surety bondsmen, and runners by requiring them to complete eight hours, rather than six hours, each year of continuing education in subjects related to their duties and responsibilities in order to renew their licenses. These annual continuing education requirements continue to be in addition to the twenty‑four hour continuing education requirement for surety insurance agents.

*STATUS: Having passed the General Assembly, H.4931 was ratified on June 2, 2016 (R.272) and was signed into law by the Governor on June 5 (Act No. 240).*

**MUGSHOT PUBLICATIONS/ EXTORTION** **PRACTICES**

The General Assembly approved **S.255.** This legislation covers publications using booking photographs and other booking records of anyone arrested in South Carolina. These websites and publications have been publishing this information, then requiring arrestees to pay to have those records removed or revised.

This practice is now a misdemeanor crime, punishable by a maximum fine of one thousand [$1,000] dollars and/or imprisonment for up to sixty days. In addition, a civil cause of action is established for those harmed by these payment schemes.

Companies must remove this information within thirty [30] days of being requested via a written document to do so. These written requests must meet several specifications before statutory mandatory requirements apply. It also revises petition procedures for criminal record expungementsafter criminal charges have been dismissed, defendants have been found not guilty, or sentences have been served. Convicted adults can file their expungement petitions three [3] years, and youths five [5] years, after completing their sentences. Protocols governing record retention and destruction, after an expungement order has been signed, are also revised. In addition, the names of defendants, and any information identifying them, must be redacted from all incident reports prepared after the underlying incident that gave rise to criminal charges being filed against defendants.

When criminal defendants plead guilty to a lesser‑included offense, and their circuit solicitor deems their plea appropriate, then the solicitor must notify the State Law Enforcement Division (SLED) about the reduced plea. SLED must then request the National Crime Information Center (NCIC) database, or other similar database, to update that offender’s criminal records to reflect the lesser‑included offense rather than any offenses originally charged.

*STATUS*: *Having passed the General Assembly, S.255 was ratified on February 11, 2016, (R.134) and was signed into law by the Governor on February 16 (Act No. 132).*

**OMNIBUS CRIME ACT AMENDMENTS**

The General Assembly approved **H.3545**. This legislation revises the Omnibus Crime Reduction and Sentencing Reform Act of 2010. Adds serious bodily injury to first degree arson and adds back various classes of property removed in 2010 Act (e.g. houses, churches, schools, plants, warehouses, general businesses, among others). The Act removes serious bodily injury as an element of second degree arson. It adds churches, schools, plants, warehouses, or any building designed for human occupancy under this offense. Removes “dwelling house” from third degree arson, but adds boats, vehicles, rail cars, and other personal property to the list of items within an offense of third degree arson.

Sets magistrate court jurisdiction in breach of the peace cases, and allows sentences of up to $500 in fines and/or 30 days in jail.

Modifies the definition of “youthful offender” for the crime of second-degree burglary, with aggravating circumstances that include being armed with a deadly weapon, causing physical injury, threatening to use or using a dangerous instrument, or displaying a firearm. In these incidents, sets a minimum three-year sentence for these youthful offenders.

Allows the SC Department of Probation, Parole, and Pardons [DPPP] to establish administrative monitoring for offenders under SC DPPP supervision who only have to pay mandated fees in order to complete their sentences.

Modifies the calculation of compliance credits for probationers who have been sentenced to more than one year of supervision.

Modifies exemptions from the list of offenses qualifying for driver licenses amnesty.

Controlled substance sales, possession, or trafficking prior offenses are better defined for determining defendants’ prior criminal history and the number for the current offense charged.

*STATUS*: *Having passed the General Assembly, H.3545 was ratified on April 19, 2016, (R.159) and was signed into law by the Governor on April 21 (Act No. 154).*

**PRISONER REHABILITATION AND REINTRODUCTION INTO COMMUNITIES**

The General Assembly approved **S.338**. This legislationadds SC Code Section 24-13-180 to cover certain public, private, or nonprofit groups engaged in aiding rehabilitation and reintroduction of paroled prison inmates into communities. As a part of these programs, residential housing is provided to parolees. Before opening a facility or providing housing, they must first provide notice, in a newspaper of general circulation, where these residential housing facilities will be located. Also, they must conduct public hearings about their programs, and reveal the locations of their residential housing operations. Hearings are for informational purposes only. They do not bind any groups’ decision making authority.

*STATUS*: *Having passed the General Assembly, S.338 was ratified on June 2, 2016, (R.216) and was signed into law by the Governor on June 3 (Act No. 201).*

**SOUTH CAROLINA ANTI‑MONEY LAUNDERING ACT**

The General Assembly approved **H.4554**. This legislation establishes new provisions for the regulation and oversight of money transmission services. The legislation is offered as a means of rectifying South Carolina’s status as the only U.S. state lacking comprehensive regulatory authority over money transfers. Our state has become a center for money laundering activities that facilitate organized criminal enterprises and terrorist activities. This Act establishes new requirements for the licensure and regulation of money transmission and currency exchange services with the South Carolina Attorney General. Record keeping requirements are imposed on licensees. The Attorney General’s Office is afforded authority to review records and conduct investigations. Penalties are established for violations, which include felony criminal penalties for falsifying records, or engaging in illicit money transfers. The severity of punishment for the felony committed depends upon the dollar amounts involved [$300 to $20,000; $20,000 to $100,000; or over $100,000]. State grand jury jurisdiction is expanded to include South Carolina Anti‑Money Laundering Act violations.

*STATUS*: *Having passed the General Assembly, H.4554 was ratified on June 6, 2016, (R.305) and was signed into law by the Governor on June 9 (Act No. 266).*

**EDUCATION**

**“ADULT STUDENTS WITH DISABILITIES EDUCATIONAL RIGHTS CONSENT ACT”**

The General Assembly approved **H.5021**. The legislation establishes procedures and policies through which adult students who are eligible for special education under the federal Individuals with Disabilities Education Act (IDEA) may delegate authority over their educational program to agents or representatives. An adult student who is eligible for special education under IDEA and who is not determined to be incapacitated in probate court can delegate his or her right to make educational decisions to an agent or representative on a form prescribed by the Department of Education. An adult student under IDEA who has not been determined to be incapacitated, but may be identified (by certain medical professionals) as incapable of communicating, with or without reasonable accommodations, his wishes, interests, or preferences (with guidelines to determine that), may have an educational representative designated.

*STATUS*: *Having passed the General Assembly, H.5021 was ratified on June 2, 2016, (R.229) and was signed into law by the Governor on June 5 (Act No. 242).*

**ALTERNATIVE EDUCATION CAMPUSES**

The General Assembly approved **S.1262**. The legislation makes provisions for charter schools to be designated as Alternative Education Campuses. They will have an explicit mission and purpose of specializing in providing evidence-based, specific educational or behavioral health services for educationally disadvantaged students with a demonstrated need for such services.

*STATUS*: *Having passed the General Assembly, S.1262 was ratified on June 2, 2016, (R.247) and was signed into law by the Governor on June 3 (Act No. 219).*

**COORDINATING COUNCIL OF WORKFORCE DEVELOPMENT**

The General Assembly approved **H.4145**, legislation that creates a Coordinating Council of Workforce Development. It will develop and implement procedures for sharing information and coordinating efforts among stakeholders. They will prepare our state’s current and emerging workforce to meet the needs of the state’s economy and to make recommendations on policy changes to the General Assembly. The coordinating council is comprised of: (1) the Secretary of the Department of Commerce or his designee; (2) the State Superintendent of Education or his designee; (3) the Executive Director of the State Board for Technical and Comprehensive Education or his designee; (4) the Executive Director of the Department of Employment and Workforce or his designee; (5) the Executive Director of the Commission on Higher Education or his designee; (6) the president or provost of a research university who shall be selected by the presidents of the research universities; (7) the president or provost of a four‑year college or university who shall be selected by the presidents of the four‑year universities; (8) the president of a technical college who shall be appointed by the Chairman of the State Board for Technical and Comprehensive Education; (9) a person appointed by the Superintendent of Education who has particularized expertise regarding Chapter 59, Title 59, the South Carolina Education and Economic Development Act; and (10) a representative from the business community appointed by the President of the South Carolina Chamber of Commerce. The coordinating council shall: (a) develop and implement procedures for sharing information and coordinating efforts among stakeholders to prepare the state’s current and emerging workforce to meet the needs of the state’s economy. The primary workforce focus of the council shall be on persons over age twenty‑one; (b) make recommendations to the General Assembly concerning matters related to workforce development that exceed the council members’ agencies’ scope of authority to implement so that legislation would be required; (c) recommend to the General Assembly programs intended to increase student access to and incentivize workforce training within state training programs or through programs offered by businesses through scholarships, grants, loans, tax credits, or other programs documented to be effective in addressing current and future workforce needs; (d) develop a method for identifying and addressing long‑term workforce needs; (e) conduct an ongoing inventory of existing workforce programs to identify duplications among and within the programs and identify ineffective programs. The council may make recommendations concerning the appropriate actions necessary to eliminate duplication, improvements to ineffective programs so that the programs can achieve the desired result, or the elimination of programs that no longer meet workforce needs;and (f) submit an annual progress report to the Governor and the General Assembly, by July first of each fiscal year, concerning the actions taken by the council during the previous fiscal year, and any recommendations for legislation or agency action. The council may submit additional reports on an ongoing basis as deemed necessary by the council chairman.

*STATUS: Having passed the General Assembly, H.4145 was ratified on June 2, 2016 (R.260) and was signed into law by the Governor on June 8 (Act No. 252).*

**EDUCATIONAL GOALS FOR ALL South Carolina HIGH SCHOOL GRADUATES**

The General Assembly approved **H.4936**. It declares that principles outlined in the *Profile of the South Carolina Graduate* (published by the South Carolina Association of School Administrators and approved by the South Carolina Chamber of Commerce, the South Carolina Council on Competitiveness, the Education Oversight Committee, the State Board of Education, and Transform SC schools and districts) are the standards by which our state's high school graduates should be measured and are this state's achievement goals for all high school students. The state shall make a reasonable and concerted effort to ensure that graduates have world class knowledge based on rigorous standards in language arts and math for college and career readiness. Students should have the opportunity to learn one of a number of foreign languages, and have offerings in science, technology, engineering, mathematics, arts, and social sciences that afford them the knowledge needed to be successful. Students also must be offered the ability to obtain world class skills such as: (1) creativity and innovation; (2) critical thinking and problem solving; (3) collaboration and teamwork; (4) communication, information, media, and technology; and (5) knowing how to learn. Students finally also must be offered reasonable exposure, examples, and information on the state’s vision of life and career characteristics such as: (1) integrity; (2) self‑direction; (3) global perspective; (4) perseverance; (5) work ethic; and (6) interpersonal skills.

*STATUS*: *Having passed the General Assembly, H.4936 was ratified on May 24, 2016, (R.206) and was signed into law by the Governor on May 26 (Act No. 195).*

**EDUCATION REFORM INITIATIVES**

The General Assembly approved **H.4939**. The legislation directs the State Superintendent of Education, the Executive Director of the Education Oversight Committee, the Chairman of the House Education and Public Works Committee, and the Chairman of the Senate Education Committee to each appoint one representative to a committee. It will be chaired by the appointee of the State Superintendent of Education to review the state’s education laws found in SC Code Section 59. They will report to the General Assembly on all statutes that are found to be obsolete or no longer applicable. The report must also identify all the federal education statutes and regulations with which the state of South Carolina is required to comply and include the total cost to the state for compliance. This report must be submitted by December 31, 2016, and updated at least every five years thereafter. The State Department of Education is required to develop a system for providing services and technical assistance to school districts that must include academic assistance and assistance with finances. The State Superintendent of Education must report the initial design of the system to the General Assembly by December 31, 2016. Annual system progress reports must include data documenting the impact of the assistance to the local school districts on student academic achievement and on high school graduation rates. Additionally, the State Department of Education is charged with monitoring the professional development of teachers, staff, and administrators in districts it determines are underperforming to ascertain what improvements and changes are necessary. The department must monitor school board operations in underperforming districts in order to determine if they are operating efficiently and effectively. These improvements and changes must be communicated to the school districts and other involved parties.

*STATUS*: *Having passed the General Assembly, H.4939 was ratified on June 2, 2016, (R.274) and was signed into law by the Governor on June 5 (Act No. 241).*

**HIGH SCHOOL DIPLOMAS FOR PETITIONERS**

The General Assembly approved **S.933**. The legislation eliminates the deadline for submitting a petition to receive a high school diploma by someone who is no longer enrolled in a public school and who previously failed to receive a high school diploma or was denied graduation solely for failing to pass the exit exam that was formerly required for high school graduation. A two-year extension is provided for the report that the South Carolina Department of Education must prepare on the number of high school diplomas granted under these provisions so that the report has a deadline of January 31, 2019.

*STATUS*: *Having passed the General Assembly, S.933 was ratified on June 2, 2016, (R.229) and was signed into law by the Governor on June 3 (Act No. 207).*

**IMPACT FEE EXEMPTIONS FOR SCHOOLS AND VOLUNTEER FIRE DEPARTMENTS**

The General Assembly approved **H.4416**, a bill establishingimpact fee exemptions for schools and volunteer fire departments. The legislationrevises exemptions from development impact fees imposed by local governments on new construction, so as to add exemptions for the construction of new elementary, middle, and secondary schools and the construction of new volunteer fire departments.

*STATUS: Having passed the General Assembly, H.4416 was ratified on June 2, 2016 (R.262) and was signed into law by the Governor on June 3 (Act No. 229).*

**INTERSTATE RECIPROCITY AGREEMENTS FOR POSTSECONDARY DISTANCE EDUCATION PROGRAMS**

The General Assembly approved **H.4639**. The Commission on Higher Education is authorized to enter into interstate reciprocity agreements for postsecondary distance education programs offered by accredited degree‑granting institutions of higher learning. Participation in these agreements are voluntary to eligible institutions of higher education and nothing may be construed to prohibit institutions of higher education that do not participate in any interstate reciprocity agreement entered into by the commission from offering postsecondary distance education nor may it be construed to prohibit or reduce the commission's authority over institutions of higher education offering distance education in this State if the institution is not a participant in the interstate reciprocity agreement in which the commission participates.

*STATUS*: *Having passed the General Assembly, H.4639 was ratified on March 14, 2016, (R.150) and was signed into law by the Governor on March 14 (Act No. 146).*

**OFFICE OF TRANSFORMATION (STATE DEPARTMENT OF EDUCATION)**

The General Assembly approved **H.4940**. As directed by the State Superintendent of Education, the Office of Transformation provides technical assistance, such as diagnostic reviews of school operations and academics, to underperforming schools and districts with ratings of “below average” or “at risk” on annual school report cards. It wil also oversee schools and districts not meeting state standards on state assessments, or with the lowest high school graduation rates. Assistance includes: implementation of the external review team process; a diagnostic review of operations and academics that must include a leadership capacity report; a review of five systems consisting of mission/vision, governance, teaching and learning, resource allocation, and continuous improvement practices; an analysis of student achievement data; and, an analysis of culture and climate including stakeholder surveys.

*STATUS*: *Having passed the General Assembly, H.4940 was ratified on May 17, 2016, (R.188) and was signed into law by the Governor on May 23 (Act No. 178).*

**REQUIRED TRAINING ON DYSLEXIA FOR LITERACY COACHES AND LITERACY TEACHERS**

The General Assembly approved **H.5024.** Before the 2016‑2017 school year, the State Department of Education must provide training to all literacy coaches and literacy teachers in kindergarten through grade three on dyslexia, including evidence-based dyslexia screening, instructional methods, and interventions. Before October 1, 2016, the State Department of Education shall provide the Senate Education Committee and the House Education and Public Works Committee with a report describing the specific training used and stating the number and percentage of literacy coaches and teachers who successfully completed the training.

*STATUS*: *Having passed the General Assembly, H.5024 was ratified on May 24, 2016, (R.209) and was signed into law by the Governor on May 26 (Act No. 290).*

**“RONALD ROUSE’S LAW” - REQUIREMENTS FOR PUBLIC HIGH SCHOOL STUDENTS TO RECEIVE CARDIOPULMONARY RESUSCITATION (CPR) TRAINING**.

The General Assembly approved **H.3265**. At least one time during grades nine through twelve, each student must, under the new requirements, receive instruction in cardiopulmonary resuscitation (CPR). It will include training in hands‑only CPR and awareness in the use of an automated external defibrillator (AED).

*STATUS*: *Having passed the General Assembly, H.3265 was ratified on April 19, 2016, (R.157) and was signed into law by the Governor on April 21 (Act No. 152).*

**“SOUTH CAROLINA FOUNDING PRINCIPLES ACT”**

The General Assembly approved **H.3848**. The State Board of Education and Education Oversight Committee must incorporate instruction on the founding principles that shaped the United States into the required study of the United States Constitution and the South Carolina Social Studies Standards. This required instruction must include the Federalist Papers, the structure of government and the role of the separation of powers and the freedoms guaranteed by the Bill of Rights to the United States Constitution. A biennial report on implementation must be submitted to the Senate Education Committee and the House Education and Public Works Committee. The State Department of Education must make professional development opportunities on this required instruction available to teachers by physical or electronic means.

*STATUS*: *Having passed the General Assembly, H.3848 was ratified on May 24, 2016, (R.199) and was signed into law by the Governor on May 26 (Act No. 192).*

**SOUTH CAROLINA STATE UNIVERSITY DEBT AND ACADEMIC ACCREDITATION**

The General Assembly approved **S.1166**, a joint resolution addressing debt and academic accreditation issues at South Carolina State University. The legislation makes provisions for the forgiveness of $12 million in state loans disbursed to South Carolina State University over the course of three years if the University meets specified benchmarks such as maintaining academic accreditation, achieving progress towards a balanced budget and positive net financial position, and meeting student enrollment growth goals. A revised repayment schedule is provided for the $6 million state loan to SC State that was approved by the Budget and Control Board. The authority for instituting cost-saving mandatory employee furlough programs at the University is extended through Fiscal Year 2021‑2022. SC State has demonstrated improvements that have allowed the institution to be taken off probation by the Southern Association of Colleges and Schools and retain its accreditation.

*STATUS: Having passed the General Assembly, S.1166 was ratified on June 2, 2016 (R.240) and was signed into law by the Governor on June 7 (Act No. 286).*

**STATEWIDE SUMMATIVE ASSESSMENT**

Beginning in the 2017-2018 school year, each school district shall administer the statewide summative assessment, with the exception of alternate assessments, for grades three through eight during the last twenty days of school as determined by the district's regular instructional calendar. For the 2016-2017, 2017-2018, and 2018-2019 school years, the department is responsible for ensuring the procurement and administration of the ACT Plus Writing assessment. Following the 2018-2019 school year, the department shall procure and administer a standardized national test that meets established requirements that documents student progress toward national college and career readiness benchmarks derived from empirical research, and is widely accepted by higher education institutions for admissions purposes. The department is responsible for continuing to procure and administer the WorkKeys assessments.

While developing the single accountability system that will be implemented in the 2017-2018 school year, the Education Oversight Committee shall determine the format of a transitional report card released to the public in the fall of 2016 and 2017 that will also identify underperforming schools and districts. These transitional reports will, at a minimum, include the following: (1) school, district and statewide student assessment results in reading and mathematics in grades 3 through 8; (2) high school and district graduation rates; and (3) measures of student college and career readiness at the school, district, and statewide level. These transitional reports will inform schools and districts, the public, and the Department of Education of school and district general academic performance and assist in identifying potentially underperforming schools and districts and in targeting technical assistance support and interventions in the interim before ratings are issued.

*STATUS*: *Having passed the General Assembly, H.5140 was ratified on June 17, 2016, (R.310) and was signed into law by the Governor on June 22 (Act No. 281).*

**SURVEY OF THE STATE’S COLLEGE STUDENTS ON TEACHING IN RURAL AND ECONOMICALLY CHALLENGED SCHOOL DISTRICTS**

The General Assembly approved **H.4938**. The State Department of Education (SDE) and the Center for Educator Recruitment, Retention, and Advancement (CERRA) are tasked to collaborate with the Commission of Higher Education to survey students enrolled in the state’s colleges of education. This survey is administered to those college students who have been fully admitted into their institution’s teacher education program, and similar survey information may be obtained from students in other programs at the state’s institutions of higher learning through other means. The survey must include questions about whether students have considered teaching in a rural and economically challenged districts. They must also be asked what incentives, if any, would cause or encourage them to move to, and work in, these districts. Survey results must be reported to the General Assembly by December 1, 2016.

*STATUS*: *Having passed the General Assembly, H.4938 was ratified on June 2, 2016, (R.273) and was signed into law by the Governor on June 5 (Act No. 291).*

**TEACHER DISMISSAL HEARINGS**

The General Assembly approved **H.3560**. Notably, the legislation allows school districts to delegate evidentiary hearings to be done by qualified designees (an attorney, a mediator/arbitrator or hearing officers. The superintendent or his designee may meet with a teacher, before issuing a notice of dismissal, to discuss alternative resolutions. All parties attending this meeting must be given the option of having a representative present. Procedures for an evidentiary hearing are elaborated in the Act.

*STATUS*: *Having passed the General Assembly, H.3560 was ratified on June 2, 2016, (R.252) and was signed into law by the Governor on June 3 (Act No. 221).*

**“TUCKER HIPPS TRANSPARENCY ACT”**

The General Assembly approved **H.4521**, legislation named in memory of the Clemson University student Tucker Hipps, who died during a fraternity activity on September 22, 2014. The legislation requires the state’s public institutions of higher education, excluding technical colleges, to maintain a report detailing student misconduct investigations related to fraternity and sorority organizations formally affiliated with the institution. These reports are specifically required to include Student Code of Conduct violations involving alcohol, drugs, sexual assault, physical assault, and hazing. Each public institution of higher learning must provide the required reports on their Internet website. These postings must be in prominent locations. Printed notices of the nature and availability of this report, and the website address where it can be found, must be given to those who attend student orientation. Deadlines are established for compiling the required reports and updating them in a timely manner. A sunset provision is included so that the legislation is set to expire in three years unless reauthorized by the General Assembly.

*STATUS*: *Having passed the General Assembly, H.4521 was ratified on June 6, 2016, (R.304) and was signed into law by the Governor on June 9 (Act No. 265).*

**ETHICS, GOVERNMENT ACCOUNTABILITY, AND CAMPAIGN FINANCE REFORM**

**CAMPAIGN FINANCE REQUIREMENTS RELATING TO PRIMARY ELECTIONS**

The General Assembly approved **H.3193**. This legislationrevises the accounting method for primary campaign contributions. If there is a primary runoff, any contribution made after the primary date, and through seven (7) days after the date of the primary runoff, shall be attributed entirely to the primary runoff.

*STATUS*: *Having passed the General Assembly, H.3193 was ratified on May 24, 2016, (R.197) and was signed into law by the Governor on May 25 (Act No. 184).*

**ETHICS AND GOVERNMENTAL ACCOUNTABILITY/ REPORTING PERSONAL OR FAMILY INCOME**

The General Assembly approved **H.3186**. This legislationadds a requirement for all required filers to report private sources and types of income received by them or any member of their immediate family. The legislation does not mandate listing income from court orders; savings, checking, or brokerage accounts when that account income would be available to any account holder; mutual funds; annuities; pensions; retirement income; IRAs; disability benefits; and deferred compensation.

*STATUS*: *Having passed the General Assembly, H.3186 was ratified on June 17, 2016, (R.307) and was signed into law by the Governor on June 23 (Act No.283).*

**INDEPENDENT INVESTIGATION OF ALLEGED PUBLIC MISCONDUCT**

The General Assembly approved **H.3184**. This legislationcreates third-party investigations by the state Ethics Commission for ethics-related complaints made against any public member, public official, or public employee of the executive branch, a political subdivision, or the General Assembly. Also reorganizes the State Ethics Commission as an eight-member body, with four members nominated by the Governor, two by the Senate, and two by the House, to five year terms. The General Assembly will approve all nominees. Current Ethics Commission member terms will sunset March 31, 2017. New appointments will be staggered so that all new commission member appointments will not expire at the same time. Members must have ethical fitness, character, mental stability, experience, judicial temperament, and constitutional qualifications. Certain citizens are ineligible for appointment, including former General Assembly members or their families. Includes a removal procedure for poorly performing members.

Expands commission authority to include seeking reimbursement for investigation costs. They can also audit annually filed reports, as well as applicable campaign account bank statements. This Act contains the conditions precedent before any release of documents or Commission designation, as public records, the documents in their possession. The Commission is prohibited from releasing any personal information or any information that would identify a particular person.

In submitted matters, six commissioners must vote in favor before finding any probable cause in cases they are submitted. They can issue formal opinions. In addition, they have the power to investigate and recover the value of anything transferred or received in breach of state ethical standards.

Non-formal advisory opinions, with hypotheticals, are permitted.

House and Senate Ethics Committees retain jurisdiction for violations that are alleged to be solely of House or Senate rules.

Any complaint is subject to a four (4)-year statute of limitations.

The Ethics Commission Executive Director, or staff, must review verified complaints. They will also seek responses from respondents within 30 days. Technical violations will be sent to the House or Senate Ethics Committees, as appropriate, for disposition. Any indicia of criminal activity must be sent to the Attorney General for review and disposition.

Formal Commission hearing testimony must be given under oath. The Act also sets out the hearing procedures to be followed. When a final recommendation of probable cause is issued, then the filed, verified complaint, response, and committee recommendations all become public documents (minus any personal information as set out in the Act). The Senate and House Ethics Committees will receive any Commission recommendations and then have 45 days to seek more information, decide to dismiss, find a technical violation, and then, upon competent and substantial evidence, issue an advisory opinion or hold a formal public hearing.

Procedures for these formal hearings are specified. Respondents have due process rights and protections. Formal hearings are open to the public. After their formal hearings, the Senate or House Ethics Committees can issue a public reprimand, find a technical violation, levy a civil penalty up to $2,000, require forfeiture of any gifts received by a respondent, recommend expulsion of their member, send a copy of the complaint to the Attorney General for review, or impose any combination of the above. After their final order is issued, all documents (except personal and personally identifiable information) submitted as evidence become public record.

*STATUS*: *Having passed the General Assembly, H.3184 was ratified on June 17, 2016, (R.306) and was signed into law by the Governor on June 23 (Act No. 282).*

**FAMILY, HEALTH, AND SAFETY**

**“CERVICAL CANCER PREVENTION ACT”**

The General Assembly approved **H.3204**. The legislation provides that, beginning with the 2016-2017 school year, the Department of Health and Environmental Control (DHEC) may offer the cervical cancer vaccination series, the human papillomavirus vaccination (HPV) series, for adolescent students including those enrolling in the seventh grade in any school (public, private, or home schooling program) in this state. The legislation includes parental consent requirements for vaccinations provided by DHEC and provides that no student is required to have the cervical cancer vaccination series, the human papillomavirus vaccination (HPV) series, before enrolling in or attending school. The department may develop and provide informational brochures concerning adolescent vaccinations, including the cervical cancer vaccination series, that schools and home schooling programs may distribute to the parents or guardians of all students in the sixth grade. DHEC’s informational brochure must state the benefits and side effects of the cervical cancer vaccination series and that the vaccination series is optional. The brochure shall encourage the student’s parent or guardian to go to the child’s own health care provider for vaccination. DHEC may not contract with a health care provider to offer the vaccination series if the health care provider performs abortions.

*STATUS: Having passed the General Assembly, H.3204 was ratified on April 19, 2016, (R.156) and was signed into law by the Governor on April 21 (Act No. 151).*

**DOMESTIC VIOLENCE FATALITY REVIEW COMMITTEES**

The General Assembly approved **H.4666**.Domestic Violence Fatality Review Committees are established to review domestic violence incidents in each judicial circuit. Committee membership will include those with law enforcement, criminology, forensics, legal, medical, and other fields of expertise in domestic violence. The committee will make recommendations for additional training, proposed amendments to existing law or new laws, other additional education, or changes to existing practices with a focus on reducing domestic violence incidents throughout our state.

*STATUS*: *Having passed the General Assembly, H.4666 was ratified on March 10, 2016, (R.151) and was signed into law by the Governor on March 15 (Act No. 147).*

**“EMERGENCY ANAPHYLAXIS TREATMENT ACT”**

The General Assembly approved **H.3706**, legislation enacting the “Emergency Anaphylaxis Treatment Act” which allows authorized institutions, organizations, and businesses, such as colleges and universities, daycare facilities, places of worship, restaurants, places of employment, recreation camps, youth sports leagues, amusement parks, and sports arenas, to keep supplies of epinephrine auto-injectors, also known as EpiPens, in stock 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 stock supplies of epinephrine auto-injectors for these authorized places that may be administered by designated individuals 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 legislation affords certain immunity from legal liability regarding the use of epinephrine auto-injectors in good faith.

*STATUS: Having passed the General Assembly, H.3706 was ratified on April 19, 2016, (R.161) and was signed into law by the Governor on April 21 (Act No. 15).*

**ENHANCING REQUIREMENTS AND REVIEWS REGARDING CHILDREN PLACED IN FOSTER CARE**

The General Assembly House approved **H.4546.** The legislation includes provisions for the Department of Social Services to normalize the lives of children in foster care by allowing a caregiver, without the department’s prior approval, to make decisions similar to those a parent would be entitled to make regarding a child’s participation in age or developmentally appropriate extracurricular, enrichment, cultural, and social activities such as sports, field trips, social activities, vacations, employment opportunities, and after school programs. In determining whether to allow a child in foster care to participate in an activity, a caregiver must exercise the reasonable and prudent parent standard. DSS must provide to a foster child a document describing the rights of the child regarding education, health, visitation, court participation, and the right to stay safe and avoid exploitation, and obtain a signed acknowledgement from the child upon receipt.

*STATUS: Having passed the General Assembly, H.4546 was ratified on June 2, 2016, (R.264) and was signed by the Governor on June 5 (Act No. 238).*

**ENHANCING THE “SOUTH CAROLINA OVERDOSE PREVENTION ACT”**

The General Assembly approved **H.5193**, a bill enhancing the “South Carolina Overdose Prevention Act” by making provisions for more expansive dispensation of opioid antidotes to individuals who may be at risk of an opioid drug overdose.

*STATUS: Having passed the General Assembly, H.5193 was ratified on June 2, 2016, (R.285) and was signed by the Governor on June 5 (Act No. 247).*

**EYE CARE CONSUMER PROTECTION**

The General Assembly approved **S.1016**, legislation enacting eye care consumer protection provisions. The legislation provides that a person in this state may not dispense spectacles or contact lenses to a patient without a valid prescription from an individual licensed by the South Carolina Board of Examiners in Optometry or the South Carolina Board of Medical Examiners. A prescription for spectacles or contact lenses may not be based solely on the refractive eye error of the human eye or be generated by an automated kiosk. Violations are subject to penalties established for misconduct by optometrists and physicians.

*STATUS: Having passed the General Assembly, S.1016 was ratified on May 11, 2016, (R.178) and was vetoed by the Governor on May 16 overridden by the General Assembly on May 19 (Act No. 173).*

**FAMILY CHILDCARE HOME TRAINING AND REGISTRATION REQUIREMENTS**

The General Assembly passed **H.4262**, legislation revising family childcare home training and registration requirements. The legislation increases minimum hours of training from two to ten for operators of family childcare homes, employees or contractors with operators of family childcare homes. The legislation incorporates these training requirements and provides for other revisions within the criteria that the Department of Social Services uses in determining whether to deny an application for a statement of registration, deny an application for a renewal of registration, work with a family childcare home operator to resolve a concern, or withdraw a statement of registration. DSS shall consider previous applications and the circumstances of prior inspections or withdrawals of registration as factors to be considered in the application process; however, a prior concern does not prohibit the department from granting the family childcare home a statement or renewal of registration if the department is satisfied the concern has been resolved. The legislation provides that any person fifteen years of age or older who moves into the family childcare home after the initial application for registration is approved must also undergo the required criminal background reviews.

*STATUS: Having passed the General Assembly, H.4262 was ratified on June 6, 2016, (R.301) and was signed into law by the Governor on June 9 (Act No. 263).*

**FUNDING FOR FIREFIGHTING NEEDS** **AND EMERGENCY MEDICAL SERVICES TRAINING**

The General Assembly approved **S.973**, a bill extending and revising provisions for devoting a portion of insurance premium tax revenues to the funding of firefighting needs and emergency medical services training. The legislation extends until June 30, 2030, the requirement for using two and one‑quarter percent of each year’s insurance premium tax revenues to fund emergency response needs and redistributes the revenue so that: one percent is transferred to the South Carolina Forestry Commission to be used for firefighting and firefighting equipment replacement; one percent is transferred to the aid to fire districts account within the State Treasury to be distributed to local fire departments for firefighting equipment replacement, with half of annually allocated funds to be distributed equally among the state’s fire departments and the remaining balance used to fund the V‑SAFE grant program for local volunteer fire departments; and, one quarter of one percent is transferred to the aid to emergency medical services regional councils within the Department of Health and Environmental Control to be used for grants to fund emergency medical technician and paramedic training.

*STATUS: Having passed the General Assembly, S.973 was ratified on June 2, 2016 (R.230). The Governor vetoed the legislation on June 6. The Senate and House of Representatives subsequently voted to override the Governor’s veto to allow the bill to become law (Act No. 273).*

**FOSTER HOME MAXIMUM CAPACITIES**

The General Assembly approved **H.4510**. Foster homesare allowedto provide full-time care for up to eight children. Up to five of them can be foster children. Exceptions to this maximum number include keeping sibling groups together, allowing children to remain in their home communities, returning children to homes that were previous placements for them, complying with a court order, and any placements in the children’s best interest. Unless an exception applies, no more than two of the five foster children may be classified as therapeutic foster care placements. If one of these exceptions apply, no more than three of the five foster children may be classified as therapeutic foster care placements.

*STATUS*: *Having passed the General Assembly, H.4510 was ratified on May 24, 2016, (R.203) and was signed into law by the Governor on May 25 (Act No. 187).*

**HOT CAR RESCUES**

The General Assembly approved **H.3145**, legislation affording protection from legal liability for those who take actions to prevent hot car deaths of children and vulnerable adults who are left unattended in locked motor vehicles. The legislation provides that a person is immune from civil liability for property damage resulting from his forcible entry into a motor vehicle for the purpose of removing a minor or vulnerable adult from the vehicle if the person has a reasonable good faith belief that forcible entry into the vehicle is necessary because the minor or vulnerable adult is in imminent danger of suffering harm.

*STATUS: Having passed the General Assembly, H.3145 was ratified on February 11, 2016 (R.136) and was signed into law by the Governor on February 16 (Act No. 133).*

**“MARGY’S LAW”**- **DO NOT RESUSCITATE BRACELET PROVISION**

The General Assembly approved **H.4773**, legislation designated as “Margy’s Law”. The legislation expands South Carolina’s Emergency Medical Services Do Not Resuscitate Order Act by including provisions for a Do Not Resuscitate Bracelet that may be worn by someone with a terminal condition to signify to health care providers and EMS personnel that they are to withhold resuscitative treatment in keeping with a “do not resuscitate” order.

*STATUS: Having passed the General Assembly, H.4773 was ratified on June 2, 2016, (R.269) and was signed into law by the Governor on June 3 (Act No. 233).*

**MATERNAL MORBIDITY AND MORTALITY REVIEW COMMITTEE**

In response to a maternal death rate in South Carolina that exceeds the national average, the General Assembly passed **H.3251**. The legislation establishes the Maternal Morbidity and Mortality Review Committee under the Department of Health and Environmental Control to review maternal deaths and develop strategies for their prevention. Reports from this multidisciplinary committee must be distributed to the General Assembly, the Director of the Department of Health and Environmental Control, health care providers and facilities, key governmental agencies, and others necessary to reduce the maternal death rate. Committee members shall serve without compensation or reimbursement for expenses.

*STATUS: Having passed the General Assembly, H.3251 was ratified on March 10, 2016, (R.146) and was signed into law by the Governor on March 14 (Act No. 142).*

**MEDICAL FOSTER HOMES FOR VETERANS**

The General Assembly approved **H.4580**, legislation that provides an exemption from Department of Health and Environmental Control licensure provisions for medical foster homes for veterans that provide care for up to three veterans per home as approved by the U.S. Department of Veterans Affairs.

*STATUS: Having passed the General Assembly, H.4580 was ratified on June 2, 2016, (R.266) and was signed by the Governor on June 3 (Act No. 232).*

**RECOMMENDATIONS AND REVIEWS FOR CHILDREN PLACED IN FOSTER CARE**

The General Assembly approved **H.4546**. This legislation includes provisions for the Department of Social Services to normalize children’s lives in foster care. Allows caregivers, without departmental preapproval, to make decisions, as natural parents would, relating to children participating in age or developmentally appropriate extracurricular, enrichment, cultural, and social activities. Examples include sports, field trips, social activities, vacations, employment opportunities, and after-school programs. When making these decisions, caregivers must exercise a “reasonable and prudent parent” standard. DSS must provide documents to foster children that describe these children’s rights to education, health, visitation, court participation, remaining safe, and avoiding exploitation. These documents must be acknowledged in writing by foster children.

*STATUS*: *Having passed the General Assembly, H.4546 was ratified on June 2, 2016, (R.264) and was signed into law by the Governor on June 5 (Act No. 238).*

**REQUIREMENTS FOR INSURANCE PLAN PHARMACY BENEFITS MANAGERS TO COMPILE MAXIMUM ALLOWABLE DRUG COST LISTS**

The General Assembly approved **S.849**. The legislation establishes requirements for insurance plan pharmacy benefits managers to compile maximum allowable drug cost lists that show the maximum amount for the cost of a particular generic drug that will be reimbursed to a pharmacist or pharmacy who provides covered health care services or supplies as a participating network plan provider. The legislation includes requirements for pharmacy benefit managers to make these maximum allowable cost lists available to network pharmacy providers and to review and update maximum allowable cost price information. Provisions are included that allow a pharmacy to appeal the provider’s reimbursement for a drug subject to maximum allowable cost pricing.

*STATUS: Having passed the General Assembly, S.849 was ratified on April 26, 2016, (R.168) and was signed into law by the Governor on May 2 (Act No. 163).*

**REQUIREMENTS FOR MAMMOGRAPHY REPORTS TO BE PROVIDED TO PATIENTS THAT INCLUDE INFORMATION ABOUT BREAST DENSITY**

The General Assembly approved **S.339**, legislation designated as Hope’s Law. When a mammogram shows that breast tissue is dense, the required report must include notice to the patient explaining that dense tissue is common and not abnormal, but can, however, make it harder to evaluate mammogram results and may also be associated with an increased risk of breast cancer.

*STATUS: Having passed the General Assembly, S.339 was ratified on May 11, 2016, (R.174) and was signed by the Governor on May 12 (Act No. 168).*

**REVISING PROVISIONS FOR THOSE WHO MAY MAKE HEALTH CARE DECISIONS FOR PATIENTS WHO ARE UNABLE TO PROVIDE CONSENT**

The General Assembly approved **H.3999**, a bill revising provisions for those who may make health care decisions for patients who are unable to provide consent. The legislation revises the prioritized list of those who are authorized to make health care decisions for patients who are unable to provide consent so as to give higher priority to adult children over parents, give higher priority to adult siblings over grandparents and adult grandchildren, and specify that a majority of relatives makes the decision when there are multiple relatives of equal priority. Documentation of efforts to locate a decision maker on the prioritized list must be recorded in the patient’s medical record.

*STATUS: Having passed the General Assembly, H.3999 was ratified on June 2, 2016, (R.258) and was signed into law by the Governor on June 3 (Act No. 226).*

**REVISING THE PROCESS FOR COMMITTING THE MENTALLY ILL TO MENTAL HEALTH FACILITIES**

The General Assembly approved **H.3952**. This Act adds the term “gravely disabled,” defined as people who, due to mental illness, lack sufficient insight or capacity to make responsible decisions with respect to their treatment. Because of this condition, these individuals are likely to cause harm to themselves through neglect, inability to care for self, personal injury, or other means. Adds a preference that mentally ill emergency admissions be conducted by plain clothes law enforcement officers that have had crisis intervention training. However, it also allows the option of having these individuals transported to facilities by emergency medical technicians using an ambulance instead.

*STATUS*: *Having passed the General Assembly, H.3952 was ratified on June 2, 2016, (R.257) and was signed into law by the Governor on June 3 (Act No. 225).*

**“RONALD ROUSE’S LAW” - REQUIREMENTS FOR PUBLIC HIGH SCHOOL STUDENTS TO RECEIVE CARDIOPULMONARY RESUSCITATION (CPR) TRAINING**.

The General Assembly approved **H.3265**. At least one time during grades nine through twelve, each student must, under the new requirements, receive instruction in cardiopulmonary resuscitation (CPR). It will include training in hands‑only CPR and awareness in the use of an automated external defibrillator (AED).

*STATUS*: *Having passed the General Assembly, H.3265 was ratified on April 19, 2016, (R.157) and was signed into law by the Governor on April 21 (Act No. 152).*

**“THE RIGHT TO TRY ACT”**

The General Assembly approved **H.4542**. The legislation provides authorization for physicians to prescribe certain promising experimental treatments to terminally ill patients who have considered and exhausted all other treatment options currently approved by the United States Food and Drug Administration. The provisions apply only to an investigational drug, biological product, or device that has successfully completed Phase I of a clinical trial but has not yet been approved for general use by the United States Food and Drug Administration and remains under investigation in a clinical trial approved by the United States Food and Drug Administration.

*STATUS: Having passed the General Assembly, H.4542 was ratified on June 2, 2016, (R.263) and was signed into law by the Governor on June 3 (Act No. 230).*

**“SOUTH CAROLINA ABLE SAVINGS PROGRAM”**

The General Assembly approved **H.3768** to provide for the “South Carolina ABLE Savings Program” that allows for the establishment of savings accounts as a means of empowering individuals with a disability and their families to save private funds to support the individual with a disability. The legislation allows for state implementation that coordinates with the federal Achieving Better Life Experience (ABLE) Act of 2014. The legislation establishes the Savings Program Trust Fund and Savings Expense Trust Fund and provides guidelines to the State Treasurer for the maintenance of these accounts. Provisions are made for a South Carolina individual income tax deduction for contributions made to ABLE savings investment trust accounts up to the limit of maximum contribution amounts allowed under federal tax provisions.

*STATUS: Having passed the General Assembly, H.3768 was ratified on April 26, 2016 (R.171) and was signed into law by the Governor on April 29 (Act No. 165).*

**“SOUTH CAROLINA PAIN-CAPABLE UNBORN CHILD PROTECTION ACT”**

The General Assembly approved **H.3114**. This legislationprohibits abortions twenty weeks following fertilization. Exceptions to this prohibition are established for preventing the mother’s death; avoiding her serious physical impairment; or addressing a fetal anomaly that is likely to prevent a fetus from surviving outside the womb. The Act includes legislative findings that substantial medical evidence indicates a fetus has developed sufficiently to be capable of experiencing pain by twenty weeks of gestation. Also, finds that our state has an interest in protecting the lives of fetuses, beginning when they are capable of feeling pain. No abortion must be performed, induced, or attempted before a physician determines the probable post-fertilization age of the fetus, or relies upon this determination already made by another physician. When an abortion must be performed on a fetus twenty, or more, weeks in gestation, the physician must proceed in a manner which provides the best opportunity for the fetus to survive, unless the procedure would endanger the life of the mother. Any physician who intentionally or knowingly violates these requirements is guilty of a misdemeanor, and subject to a fine of not less than two thousand dollars nor more than ten thousand dollars and/or imprisonment for not more than three years. No part of the minimum fine may be suspended. For conviction of a third or subsequent offense, the sentence must be imprisonment for not less than sixty days nor more than three years, and no part of it may be suspended. Reports by medical facilities performing abortions at twenty weeks or more in medical emergencies, or when fetal anomalies have presented, must include specific information about the abortions performed. These mandatory reports must include the post-fertilization age of the fetus, method of abortion, and the age of the mother. Reports must be filed with the State Registrar, SC Department of Health and Environmental Control. SC DHEC must produce an annual public report containing these statistics. These required reports are subject to confidentiality requirements as well as restrictions regarding use of information that identifies individual patients. Late fees and other penalties can be assessed against facilities that fail to submit reports by stated deadlines. Intentional or reckless falsification of any required reports is a misdemeanor punishable by imprisonment for up to one year.

*STATUS*: *Having passed the General Assembly, H.3114 was ratified on May 24, 2016, (R.196) and was signed into law by the Governor on May 25 (Act No. 183).*

**“SOUTH CAROLINA POST‑TRAUMATIC STRESS INJURY (PTSI) AWARENESS DAY**”

The General Assembly approved **H.4816**, a bill designating June 27th of each year as South Carolina Post-Traumatic Stress Injury (PTSI) Awareness Day.

*STATUS: Having passed the General Assembly, H.4816 was ratified on April 19, 2016, (R.167) and was signed into law by the Governor on April 21 (Act No. 162).*

**“SOUTH CAROLINA TELEMEDICINE ACT”**

The General Assembly approved **S.1035**, legislation revising statutes governing the practice of medicine to incorporate provisions for telemedicine which involves the use of such means as electronic communications and information technology to allow a physician to practice medicine in one location while the patient is in another location. The legislation establishes requirements that address such issues as record keeping and the proper conduct of an evaluation and diagnosis when the physician is at a distance from the patient rather than in a more traditional in‑person medical care setting. The legislation makes provisions for how a physician‑patient relationship is established through telemedicine.

*STATUS: Having passed the General Assembly, S.1035 was ratified on June 2, 2016, (R.234) and was signed by the Governor on June 3 (Act No. 210).*

**SOUTH CAROLINA UNIFORM FIDUCIARY ACCESS TO DIGITAL ASSETS ACT**

The General Assembly approved **S.908**. Itcovers the management and disposition of digital assets after the death or incapacitation of their user. The scope of this legislation includes fiduciaries, personal representatives, conservators, custodians, and trustees. Users’ testamentary documents will control access to their online information, even when the terms of their user agreements, that the deceased or incapacitated person signed when they opened the account, are conflicting, if the procedures in this bill have been followed. Unless a user has prohibited disclosure, or a court has issued a contrary directive, a digital assets custodian would be permitted to disclose to users’ trustees, attorneys-in-fact, agents, personal representatives, or conservators when proper documents have been utilized for the information request. The legal duties imposed upon fiduciaries managing tangible property will also apply to their management of digital assets as well.

*STATUS*: *Having passed the General Assembly, S.908 was ratified on June 2, 2016, (R.226) and was signed into law by the Governor on June 3 (Act No. 260).*

**SOUTH CAROLINA UNIFORM POWER OF ATTORNEY ACT**

The General Assembly approved **S.778**. This legislation sets out the duties and requirements for valid durable powers of attorney in South Carolina and establishes uniform definitions and procedures for signing these documents.

NOTE: This Act becomes effective January 1, 2017.

*STATUS*: *Having passed the General Assembly, S.778 was ratified on June 6, 2016, (R.294) and was signed into law by the Governor on June 9 (Act No. 279).*

**STUDY OF THE USE OF MARIJUANA IN THE TREATMENT OF POST-TRAUMATIC STRESS DISORDER IN VETERANS**

The General Assembly approved **H.5193**, legislation requiring the South Carolina Department of Health and Environmental Control to study the use of marijuana in the treatment of post-traumatic stress disorder in veterans. DHEC is directed to study: (1) the possibility that a person experiencing an opioid‑related overdose would be decreased if access to cannabis was legally permitted; and (2) the extent to which states have latitude by federal law for a Veterans Affairs’ physician licensed in the State of South Carolina to provide a written certification that a veteran would benefit from the use of marijuana for medicinal purposes rather than being prescribed opioids. DHEC shall provide the General Assembly a report on the findings by January 1, 2017.

*STATUS: Having passed the General Assembly, H.5193 was ratified on June 2, 2016, (R.285) and was signed by the Governor on June 5 (Act No. 247).*

**TRANSPORTING NECESSARY GOODS AND SERVICES TO DISASTER AREAS DURING CURFEWS**

The General Assembly approved **H.5299**, legislation that establishes authority for transporting necessary goods and services to disaster areas during curfews. The legislation revises the Governor’s authority in times of emergency to make provisions for a certification process with the Emergency Management Division to authorize someone to enter a disaster area and operate during times when a state or local curfew has been imposed in order to transport necessary commercial goods to the curfew area, assist in ensuring the availability of these needed goods, or to assist in restoring utility services. The certification system shall be included in the State Emergency Plan.

*STATUS: Having passed the General Assembly, H.5299 was ratified on June 2, 2016 (R.289) and was signed into law by the Governor on June 3 (Act No. 236).*

**“WATER SAFETY AWARENESS MONTH”**

The General Assembly approved **H.5218**, a bill declaring the month of May of every year as “Water Safety Awareness Month” in South Carolina to promote an understanding of water safety practices and the critical importance of water safety in an effort to reduce drowning deaths among children in this state.

*STATUS: Having passed the General Assembly, H.5218 was ratified on May 17, 2016 (R.191) and was signed into law by the Governor on May 23 (Act No. 180).*

**HERITAGE AND HOLIDAYS**

**“EARTHA KITT DAY”**

The General Assembly approved **H.3036**, a bill declaring January 17 of each year as “Eartha Kitt Day” in South Carolina in honor of the late Eartha Mae Kitt, nationally and internationally known actress, singer, and native South Carolinian and to promote cultural tourism in the state in order to enhance the economic well‑being and improve the quality of life of all South Carolinians.

*STATUS: Having passed the General Assembly, H.3036 was ratified on May 11, 2016 (R.181) and was signed into law by the Governor on May 12 (Act No. 171).*

**“SOUTH CAROLINA DAY OF SERVICE”**

The General Assembly approved **H.5020**, a bill declaring the third Saturday in May of each year as “South Carolina Day of Service” when all South Carolinians are encouraged to roll up their sleeves and lend a hand to make a positive difference in our great state.

*STATUS: Having passed the General Assembly, H.5020 was ratified on June 2, 2016 (R.277) and was signed into law by the Governor on June 3 (Act No. 235).*

**HOUSE LEGISLATIVE OVERSIGHT OF STATE AGENCIES**

Studies of state agencies completed in 2016, thus far, by the House Legislative Oversight Committee include: Department of Social Services; First Steps to School Readiness; Department of Transportation; Commission for the Blind; and School for the Deaf and the Blind. The stated purpose of legislative oversight is to determine if agency laws and programs are being implemented and carried out in accordance with the intent of the General Assembly and whether or not they should be continued, curtailed or even eliminated. As oversight studies help inform the public about agencies, information obtained during a study as well as the completed studies are available on the General Assembly’s website, [www.scstatehouse.gov](http://www.scstatehouse.gov), by clicking on “Citizens’ Interest” and then “Agency Oversight by House Legislative Oversight Committee.”

Nine agencies are currently under study by the House Legislative Oversight Committee. Agencies currently under study include: Department of Agriculture; Department of Archives and History; Department of Health and Environmental Control; Department of Juvenile Justice; Law Enforcement Training Council and Criminal Justice Academy; Department of Public Safety; Retirement System Investment Commission; State Transportation Infrastructure Bank; and Treasurer’s Office.

During the oversight process, there are a variety of opportunities for the public to share comments and concerns about the various state agencies under study, including online surveys and public input meetings. Notice of these public input opportunities is available on the General Assembly’s website, including access to an ongoing opportunity to provide input about any of the 65 state agencies the House Legislative Oversight Committee has identified for study.

*STATUS: The House Legislative Oversight Committee meets throughout the calendar year to conduct legislative oversight studies and investigations of state agencies. Any legislator may file legislation to implement the Committee’s recommendations.*

**MILITARY**

**MEDICAL FOSTER HOMES FOR VETERANS**

The General Assembly approved **H.4580**, legislation that provides an exemption from Department of Health and Environmental Control licensure provisions for medical foster homes for veterans that provide care for up to three veterans per home as approved by the U.S. Department of Veterans Affairs.

*STATUS: Having passed the General Assembly, H.4580 was ratified on June 2, 2016, (R.266) and was signed by the Governor on June 3 (Act No. 232).*

**SOUTH CAROLINA POST‑TRAUMATIC STRESS INJURY (PTSI) AWARENESS DAY**

The General Assembly approved **H.4816**, a bill designating June 27th of each year as South Carolina Post‑Traumatic Stress Injury (PTSI) Awareness Day.

*STATUS: Having passed the General Assembly, H.4816 was ratified on April 19, 2016 (R.167) and was signed into law by the Governor on April 21 (Act No. 162).*

**SOUTH CAROLINA VETERANS AND WARRIORS TO AGRICULTURE PROGRAM**

The General Assembly approved **S.1028**, legislation establishing the South Carolina Veterans and Warriors to Agriculture Program. The creation of this programwith bewithin the South Carolina Department of Agriculture, integrating veterans into the field of agriculture and support veterans currently working in agriculture. The Department of Agriculture, the Division of Veterans’ Affairs, the Adjutant General, Clemson University, South Carolina State University, and any other institution of higher learning that offers agricultural programs shall work in conjunction to recruit and train eligible veterans, and develop and support the program. The State Treasury has a separate and distinct fund known as the ‘South Carolina Veterans and Warriors to Agriculture Program and Fund’. The fund shall consist of gifts, grants and donations, and legislative appropriations which may be made to support the program. Expenditures from the fund shall be used exclusively to pay costs, fees, and expenses necessary to administer the program.

*STATUS: Having passed the General Assembly, S.1028 was ratified on June 2, 2016, (R.232) and was signed into law by the Governor on June 3 (Act No. 208).*

**STUDY OF THE USE OF MARIJUANA IN THE TREATMENT OF POST-TRAUMATIC STRESS DISORDER IN VETERANS**

The General Assembly approved **H.5193**, legislation requiring the South Carolina Department of Health and Environmental Control to study the use of marijuana in the treatment of post-traumatic stress disorder in veterans. DHEC is directed to study: (1) the possibility that a person experiencing an opioid‑related overdose would be decreased if access to cannabis was legally permitted; and (2) the extent to which states have latitude by federal law for a Veterans Affairs’ physician licensed in the State of South Carolina to provide a written certification that a veteran would benefit from the use of marijuana for medicinal purposes rather than being prescribed opioids. DHEC shall provide the General Assembly a report on the findings by January 1, 2017.

*STATUS: Having passed the General Assembly, H.5193 was ratified on June 2, 2016, (R.285) and was signed by the Governor on June 5 (Act No. 247).*

**TAX RELIEF FOR MILITARY RETIREES**

The General Assembly approved **H.3147** which provides for a South Carolina individual income tax deduction for military retirement benefits in an amount of up to thirty thousand dollars each year for those who are at least sixty‑five years old and up to seventeen thousand five hundred dollars each year for younger taxpayers. A surviving spouse receiving military retirement income is eligible for the deductions. The deductions are gradually phased in under a five-year schedule so that maximum deductions for military retirement benefits are provided by 2020.

*STATUS: Having passed the General Assembly, H.3147 was ratified on June 6, 2016 (R.297) and was signed into law by the Governor on June 7 (Act No. 272).*

**MOTOR VEHICLES**

**BIOPTIC TELESCOPIC LENSES DRIVERS’ LICENSES**

The General Assembly approved **S.21**. The legislation allows for driver’s licenses to be issued to individuals diagnosed with low vision acuity who use bioptic telescopic lenses for vision assistance. They must also satisfy specialized training requirements, and other criteria. These licensed drivers are subject to certain restrictions, including driving only during daylight hours, not driving during adverse weather conditions that significantly reduce visibility, not driving faster than fifty miles per hour, not driving on an interstate highway, and a prohibition on operating a motorcycle, moped, or motor scooter.

*STATUS*: *Having passed the General Assembly, S.21 was ratified on June 2, 2016, (R.210) and was signed into law by the Governor on June 3 (Act No. 196).*

**CLOSING FEES IN MOTOR VEHICLE SALES**

The General Assembly approved **H.4548**, a bill addressing closing fees charged by motor vehicle dealers. Responding to a 2015 ruling from the South Carolina Supreme Court, the legislation revises provisions authorizing motor vehicle dealers to charge closing fees in motor vehicle sales for all administrative and financial work needed to transfer the motor vehicle such as compliance with all state, federal, and lender requirements, preparation and retrieval of documents, protection of the private personal information of the consumer, records retention, and storage costs. The legislation establishes a process for the Department of Consumer Affairs to review proposed closing fees to determine whether they are reasonable in amount. A motor vehicle dealer is, however, authorized to charge a closing fee of no more than two hundred twenty-five dollars per vehicle which is considered to be automatically approved as reasonable under these provisions without having to be submitted to the department for review.

*STATUS: Having passed the General Assembly, H.4548 was ratified on June 2, 2016 (R.262) and was signed into law by the Governor on June 3 (Act No. 231).*

**INCLUSION OF MOTORCYCLES WITHIN MOTOR VEHICLE EXPRESS WARRANTY PROVISIONS**

The General Assembly approved **H.3788**, a bill to provide for the inclusion of motorcycles within motor vehicle express warranty provisions. The legislation revises the definitions of the terms “motor vehicle” and a “new motor vehicle” in provisions governing the enforcement of motor vehicle express warranties to include motorcycles and certain other motorcycle three‑wheel vehicles.

*STATUS: Having passed the General Assembly, H.3788 was ratified on April 19, 2016 (R.162) and was signed into law by the Governor on April 21 (Act No. 157).*

**MOTOR VEHICLE RENTAL COMPANY FEES**

The General Assembly approved **H.3891**, a bill revising motor vehicle rental company fees and fees for the rental of heavy equipment as a means of encouraging rental companies to title and register their vehicle fleets in this state.

*STATUS: Having passed the General Assembly, H.3891 was ratified on June 2, 2016 (R.256) and was signed into law by the Governor on June 3 (Act No. 224).*

**NATURAL RESOURCES AND ENVIRONMENTAL AFFAIRS**

**AMERICAN EEL CATCH LIMITS**

The General Assembly approved **S.1030**, a bill revising size and catch limits for the American eel. The legislation reduces the number from 50 to 25 of American eel(Anguilla rostrata) that may be taken each day by recreational fishermen. In addition the size of the American eel taken is increased from six inches to nine inches long.

*STATUS: Having passed the General Assembly, S.1030 was ratified on June 2, 2016, (R.233) and was signed into law by the Governor on June 3 (Act No. 209).*

**DEER HUNTING TAGS**

The General Assembly approved **S.454**, legislation providing for the issuance of deer hunting tags for in-state residents and non-residents. This new tagging system does not revise game zones or seasons, but it does include requirements for hunters to tag every deer taken in the state. The legislation provides for the Department of Natural Resources to issue eight doe day specific tags and three buck tags with the purchase of a South Carolina hunting license and big game permit for in-state residents. Hunters (including youth and gratis licensees) will have the option to purchase two additional buck (with four points on one side or a minimum 12-inch antler spread) tags at $5 each and/or four additional doe tags at $5 each. All funds collected from the two additional buck tags sales will go into a Coyote Management Program. With the purchase of a hunting license and big game permit, non-resident hunters will pay $50 for the first purchased antlered tag and $20 for each additional antlered tag (with a maximum purchase of four tags of which two must have size restriction). There is a $10 charge for each antlerless tag purchased. The legislation provides for antlerless and antlered deer limits to be two doe taken per day and two bucks taken per day. The Department of Natural Resources to provide a report of a four‑year study by July 1, 2022, to the Chairman of the Senate Fish, Game and Forestry Committee and the Chairman of the House Agriculture, Natural Resources and Environmental Affairs Committee on such issues as the status of state’s the white‑tailed deer population and a review of the tagging program.

*STATUS: Having passed the General Assembly, S.454 was ratified on June 2, 2016, (R.219) and was signed into law by the Governor on June 8 (Act No. 257).*

**FISHING LIMITATIONS IN THE SOUTHERN COBIA MANAGEMENT ZONE**

The General Assembly approved **H.4709**, legislation revising fishing limitations imposed in the Southern Cobia Management Zone which encompasses all waters of this state south of Jeremy Inlet, Edisto Island. The legislation provides that, subject to the size limit established by federal regulation, possession of cobia caught in the Southern Cobia Management Zone is limited to one person per day, and no more than three per boat per day, from June 1 to April 30. It is unlawful to take and possess cobia in the Southern Cobia Management Zone from May 1 to May 31, and at any time federal regulations provide for the closure of the recreational cobia season in the waters of the South Atlantic Ocean.

*STATUS: Having passed the General Assembly, H.4709 was ratified on April 26, 2016, (R.172) and was signed into law by the Governor on April 29 (Act No. 166).*

**LANDFILL REQUIREMENTS FOR COAL ASH FROM ELECTRICAL POWER PLANTS**

The General Assembly approved **H.4857**, a bill establishing landfill requirements for coal ash from electrical power plants. The legislation provides that coal combustion residuals that result from an electrical utility, an electric cooperative, a governmental entity, a corporation, or an individual producing electricity for sale or distribution by burning coal must be placed in a Class 3 solid waste management landfill, unless the coal combustion residuals are: (1) located contiguous with the electric generating unit; (2) intended to be beneficially reused; (3) placed into beneficial reuse; or (4) placed in an appropriate landfill meeting the standards of the Department of Health and Environmental Control that is owned or operated by the entity that produced the electricity which resulted in the coal combustion residuals. The legislation establishes a five-year sunset date for these requirements, unless they are reenacted or otherwise extended by the General Assembly.

*STATUS: Having passed the General Assembly, H.4857 was ratified on February 25, 2016 (R.142) and was signed into law by the Governor on March 2 (Act No. 138).*

**METHODS OF EUTHANASIA IN ANIMAL SHELTERS**

The General Assembly approved **H.3343**, legislation addressing methods of euthanasia in animal shelters. The legislation disallows the use of lethal gas for euthanasia in animal shelters and makes provisions for the use of sodium pentobarbital and other substances that are recognized by the American Veterinary Medical Association as being clinically proven to be as humane.

*STATUS: Having passed the General Assembly, H.3343 was ratified on May 17, 2016, (R.184) and was signed into law by the Governor on May 23 (Act No. 175).*

**PERMITS FOR THE IMPORTATION, BREEDING AND POSSESSION OF GRASS CARP**

The General Assembly approved **S.780**, legislation revising provisions dealing with importing, possessing or selling imported fish, to clarify language in current law that the South Carolina Department of Natural Resources will continue to issue permits for the importation, breeding, and possession of grass carp or grass carp hybrids. The legislation revises statutes to incorporate references to the more familiar designation of grass carp alongside the more technical and less recognizable name for the fish, white amur.

*STATUS: Having passed the General Assembly, S.780 was ratified on May 11, 2016, (R.175) and was signed into law by the Governor on May 12 (Act No. 169).*

**THE USE OF HOOP NETS ALONG THE WATEREE RIVER**

The General Assembly approved **H.3449**, legislation providing that the Department of Natural Resources may issue a recreational license to someone who is at least sixty-five years old for the use of hoop nets along the Wateree River. The legislation includes a sunset provision so that these provisions for recreational licenses along with provisions for commercial hoop net licenses along the Wateree River, are repealed on January 1, 2021.

*STATUS: Having passed the General Assembly, H.3449 was ratified on June 2, 2016, (R.251) and was signed into law by the Governor on June 3 (Act No. 220).*

**NONPROFIT ORGANIZATIONS**

**CHARITABLE BINGO GAME REVISIONS**

The General Assembly approved **H.5034**, a bill makingcharitable bingo game revisions. The legislationrequires the Department of Revenue to establish an informational charitable bingo webpage on its website to serve as a clearinghouse for information and access to the Bingo Tax Act and its implementation and regulation, including access to licensure information, the manner in which to file complaints, and clarification on issues the department finds in connection with violations of the Bingo Tax Act. The webpage must also include a process for submitting questions to the department’s bingo division. The department shall post official minutes of meetings, including committee responses to each bingo inquiry. The percentage of bingo revenues that is distributed to charity is increased from twenty-six percent to twenty-eight percent. The legislation provides for an increase in the funds that are sent to the Department of Parks, Recreation and Tourism by providing for at least $2.5 million to be sent to the Parks and Recreation Development Fund. The legislation revises procedures applicable to the conduct of bingo, so as to increase the allowance for promotions from one hundred dollars to two hundred dollars. The legislation redefines ‘building’ under the definitions of the Bingo Tax Act to provide that it is any structure used or intended for supporting or sheltering any use or occupancy designated by a separate address, provided the structure does not include any interior access to another area where bingo is played. Bingo provisions are revised to exclude certain raffles. The legislation makes revisions relating to the manner of playing bingo, so as to provide the manner in which certain devices must be operated. The Department of Revenue is afforded forty-five days, rather than the current thirty days, to approve or reject applications for a bingo license by nonprofit organizations and promoters. The legislation revises provisions relating to bingo checking and savings accounts, so as to allow the promoter to make certain contributions and to allow for electronic payments.

*STATUS: Having passed the General Assembly, H.5034 was ratified on June 2, 2016 (R.280) and was signed into law by the Governor on June 7 (Act No. 254).*

**HABITAT FOR HUMANITY CHECK OFF ON INCOME TAX FORMS**

The General Assembly approved **H.4765**, legislationthat provides for an expansion of the voluntary contributions that an individual may make by means of a South Carolina income tax return check off, by adding a check off for the South Carolina Association of Habitat for Humanity Affiliates on the tax form.

*STATUS: Having passed the General Assembly, H.4765 was ratified on June 17, 2016 (R.309) and was signed into law by the Governor on June 22 (Act No. 280).*

**IMMUNITY FROM LIABILITY FOR PROVIDING FREE HEALTH CARE SERVICES**

**H.4999** was approved by the General Assembly. This Immunity from Liability for Providing Free Health Care Services Act extends immunity from liability to medical doctors, dentists, and chiropractors who provide free health care services. Acts or omissions as a result of gross negligence, willful, or wanton misconduct are not immune. Chapter 30 of SC Code Title 44 is renamed “Health Care Professionals” and SC Code Sections 44‑30‑10 through 44‑30‑90 are now titled the “Health Care Professional Compliance Act.” Section 38‑79‑30 is also amended to require medical professionals volunteering their services to provide a written agreement regarding their uncompensated care, which can also be done via an electronic medical record device. Health care providers can fulfill up to one-fourth of their annual continuing education requirements by providing these covered free health care services.

*STATUS*: *Having passed the General Assembly, H.4999 was ratified on May 24, 2016, (R.207) and was signed into law by the Governor on May 25 (Act No. 189).*

**MEDICAL FOSTER HOMES FOR VETERANS**

The General Assembly approved **H.4580**, legislation that provides an exemption from Department of Health and Environmental Control licensure provisions for medical foster homes for veterans that provide care for up to three veterans per home as approved by the U.S. Department of Veterans Affairs.

*STATUS: Having passed the General Assembly, H.4580 was ratified on June 2, 2016, (R.266) and was signed by the Governor on June 3 (Act No. 232).*

**METHODS OF EUTHANASIA IN ANIMAL SHELTERS**

The General Assembly approved **H.3343**, legislation addressing methods of euthanasia in animal shelters. The legislation disallows the use of lethal gas for euthanasia in animal shelters and makes provisions for the use of sodium pentobarbital and other substances that are recognized by the American Veterinary Medical Association as being clinically proven to be as humane.

*STATUS: Having passed the General Assembly, H.3343 was ratified on May 17, 2016, (R.184) and was signed into law by the Governor on May 23 (Act No. 175).*

**NONPROFIT YOUTH SPORTS ORGANIZATIONS**

The General Assembly approved **H.3576**. It establishes conditions for written agreements between nonprofit youth sports organizations-- meeting IRS Code Section 501(c)(3) definitions-- and coaches, to constitute conclusive evidence of coaches’ independent contractor status. This relationship is defined for purposes of workers compensation, unemployment insurance coverage, and federal and state income tax withholding determinations.

*STATUS*: *Having passed the General Assembly, H.3576 was ratified on April 19, 2016, (R.160) and was signed into law by the Governor on April 21 (Act No. 155).*

**TAX CREDIT FOR PROCESSING DONATED DEER MEAT**

The General Assembly approved **H.4765**, legislation that includes an enhancement of the tax credit that is allowed for a meat packer, butcher, or processing plant processes deer meat for donation to a charitable organization engaged in distributing food to the needy. The legislation provides that the amount of the credit is seventy‑five dollars for each carcass processed and donated, rather than the current amount of fifty dollars.

*STATUS: Having passed the General Assembly, H.4765 was ratified on June 17, 2016 (R.309) and was signed into law by the Governor on June 22 (Act No. 280).*

**VETERINARIANS**

The General Assembly approved **S.980.** The legislation establishes new regulatory provisions governing animal shelters and emergency veterinarian clinics that provide veterinary services including a requirement for all shelters and emergency veterinarian clinics that provide veterinary services must register with the South Carolina Board of Veterinary Medical Examiners. The legislation provides that dispensing a prescription drug to the owner of an end‑user for the treatment of a bodily injury or disease of an animal is unlawful unless the prescription is: (1) labeled with all information required by state and federal law; and (2) prescribed by a licensed veterinarian. The legislation provides for the South Carolina Board of Veterinary Medical Examiners to regulate the dispensing of these prescription drugs. The legislation requires a mobile veterinarian practice to provide information concerning the closest local emergency veterinary services facility to the mobile location. A mobile veterinarian practice affiliated with, operated by, or supported by a public or private nonprofit animal shelter is prohibited from operating within eyesight of the nearest privately owned veterinarian practice. The legislation includes provisions regarding the dispensation of proceeds derived from ‘No More Homeless Pets’ special motor vehicle license plates. The legislation creates a temporary Pet Care and Humane Treatment Study Committee to review, study, and make recommendations concerning the need for improved oversight and regulation in the state. The study committee shall make a report of its findings and recommendations to the General Assembly during the 2017 legislative session, at which time the study committee shall cease to exist.

*STATUS: Having passed the General Assembly, S.980 was ratified on April 19, 2016, (R.156) and was signed into law by the Governor on April 21 (Act No. 151).*

**ROAD FUNDING AND GOVERNANCE**

The General Assembly approved **S.1258**, legislation that authorizes funding for deteriorating roads and bridges and reform for the governance and oversight of the state’s transportation infrastructure system. The legislation allows for an estimated total of up to $4.5 billion to be devoted to the state’s roads over the next ten years. This includes: $950 million to repair or replace all structurally-deficient bridges on Interstate and national highways; $2 billion in widenings and improvements to existing Interstates; and, over $1.4 billion in pavement resurfacing. The legislation transfers motor vehicle sales tax revenue, except for Education Improvement Act funding, and the revenue derived from various Department of Motor Vehicles fines and fees to the Department of Transportation’s State Highway Fund. Transferred funds may be used for the issuance of bonds through the South Carolina Transportation Infrastructure Bank. The Infrastructure Bank projects that are financed utilizing these transferred funds do not require a local match. The legislation’s revenue revisions also allow for existing Department of Transportation funds to be redirected. Under the legislation, the Department of Transportation is charged with developing and implementing a needs-based weighting methodology to allocate funding within the state funded road resurfacing program, which must include consideration on a county-by-county basis, to ensure that each county in the state is guaranteed funding.

The legislation includes a restructuring of the Commission overseeing the South Carolina Department of Transportation that retains the commission’s geographical representation, but provides that legislators would no longer elect commissioners and that all commissioners would, instead, be appointed by the Governor, upon the advice and consent of the Senate and subject to a legislative approval and screening process. The eight-member Department of Transportation Commission continues to be composed of one commissioner from each of the state’s seven transportation districts, which correspond to South Carolina’s U.S. Congressional Districts, and one at-large member. The Governor’s transportation district appointees are submitted to the Senate and the House of Representatives for approval by the appropriate delegation of legislators residing in the corresponding congressional district. If approved, appointees are referred to the Joint Transportation Review Committee to ensure that they meet the qualifications for the office. The Governor’s at-large appointee is submitted directly to the Joint Transportation Review Committee for screening. Commission members may be removed from office at the discretion of the Governor subject to the prior approval of the appropriate legislative delegation. Terms of service are limited to a maximum of twelve years. Under restructuring, the DOT Commission assumes the responsibility of appointing the Secretary of Transportation, upon the advice and consent of the Senate. In order to afford the chief internal auditor of the Department of Transportation greater independence, the legislation provides for the department’s chief internal auditor to be appointed and overseen by the State Auditor rather than the DOT Commission. The legislation also provides for revisions to the South Carolina Transportation Infrastructure Bank. Before providing a loan or other financial assistance, the Board of Directors that oversees the Infrastructure Bank must, under the legislation, submit its decision to the Department of Transportation Commission for its consideration. The DOT Commission can, in turn, approve or reject the decision or request additional information from the bank’s board of directors. The Infrastructure Bank’s policy of following the SC Department of Transportation’s project priority criteria is established as a statutory requirement. The General Assembly may, however, enact a joint resolution specifically allowing the bank to fund a project without using DOT’s prioritization criteria. The minimum project amount set in Transportation Infrastructure Bank requirements is lowered from $100 million to $25 million. This threshold is lowered to allow more areas to be able to afford local match requirements and take advantage of the bank’s bonding capabilities for financing their transportation projects.

*STATUS: Having passed the General Assembly, S.1258 was ratified on June 2, 2016 (R.246) and was signed into law by the Governor on June 8 (Act No. 275).*

**STATE AND LOCAL GOVERNMENT**

**BOUNDARY BETWEEN SOUTH CAROLINA AND NORTH CAROLINA**

The General Assembly approved **S.667**, legislation that makes provisions relating to the clarification of the boundary between South Carolina and North Carolina. North Carolina’s legislature approved the agreement with Senate Bill 575 (Session Law 2016-23), signed June 22, 2016.

*STATUS: Having passed the General Assembly, S.667 was ratified on June 6, 2016 (R.292) and was signed into law by the Governor June 10 (Act No. 270).*

**COMMUNITY FIREWORKS DISPLAYS**

The House approved **S.1252**, legislation establishing provisions that require the State Fire Marshal to issue a license for a community fireworks display in a county with a population of less than thirty thousand if certain safety conditions and other requirements are met.

*STATUS: Having passed the General Assembly, S.1252 was ratified on June 2, 2016 (R.245) and was signed into law by the Governor on June 3 (Act No. 218).*

**FUNDING FOR FIREFIGHTING NEEDS** **AND EMERGENCY MEDICAL SERVICES TRAINING**

The General Assembly approved **S.973**, a bill extending and revising provisions for devoting a portion of insurance premium tax revenues to the funding of firefighting needs and emergency medical services training. The legislation extends until June 30, 2030, the requirement for using two and one‑quarter percent of each year’s insurance premium tax revenues to fund emergency response needs and redistributes the revenue so that: one percent is transferred to the South Carolina Forestry Commission to be used for firefighting and firefighting equipment replacement; one percent is transferred to the aid to fire districts account within the State Treasury to be distributed to local fire departments for firefighting equipment replacement, with half of annually allocated funds to be distributed equally among the state’s fire departments and the remaining balance used to fund the V‑SAFE grant program for local volunteer fire departments; and, one quarter of one percent is transferred to the aid to emergency medical services regional councils within the Department of Health and Environmental Control to be used for grants to fund emergency medical technician and paramedic training.

*STATUS: Having passed the General Assembly, S.973 was ratified on June 2, 2016 (R.230). The Governor vetoed the legislation on June 6. The Senate and House of Representatives subsequently voted to override the Governor’s veto to allow the bill to become law (Act No. 273).*

**IMPACT FEE EXEMPTIONS FOR SCHOOLS AND VOLUNTEER FIRE DEPARTMENTS**

The General Assembly approved **H.4416**, a bill establishingimpact fee exemptions for schools and volunteer fire departments. The legislationrevises exemptions from development impact fees imposed by local governments on new construction, so as to add exemptions for the construction of new elementary, middle, and secondary schools and the construction of new volunteer fire departments.

*STATUS: Having passed the General Assembly, H.4416 was ratified on June 2, 2016 (R.262) and was signed into law by the Governor on June 3 (Act No. 229).*

**LOCAL SALES TAXES**

The General Assembly approved **H.5078**, a bill that makes revisions regarding locally-imposed sales taxes. The legislation makes revisions in various local sales and use tax provisions, so as to define “general election” as the Tuesday following the first Monday in November in any year. The legislation revises provisions relating to the Capital Projects Sales Tax Act, so as to provide that the tax must terminate on April thirtieth of an odd‑ or even‑numbered year. If the referendum on the question of imposing sales and use tax is conducted in an odd-numbered year, and it is the only matter being considered at the general election, then six weeks before the referendum, the election commission must publish in a newspaper of general circulation the question that is to appear on the ballot, with the list of projects and the cost of the projects.

*STATUS: Having passed the General Assembly, H.5078 was ratified on June 2, 2016 (R.282) and was signed into law by the Governor on June 6 (Act No. 250).*

**MILLAGE RATE INCREASE LIMITATIONS AND EXCEPTIONS**

The General Assembly approved **H.4762**, a bill relating toexceptions to limitations on millage rate increases. The legislationrevises provisions relating to the limitation on millage rate increases and exceptions to this limitation, so as to revise the exception to this limitation for the purchase of capital equipment and other expenditures in a county having a population of less than one hundred thousand persons and having at least forty thousand acres of state forest land by providing for this minimum acreage requirement to include state or national forest land. Currently, only state forest land acreage is counted under this exception.

*STATUS: Having passed the General Assembly, H.4762 was ratified on June 2, 2016 (R.268).* *On June 6, the Governor vetoed the legislation. The House of Representatives and the Senate subsequently voted to override the Governor’s veto to allow the bill to become law (Act No. 276).*

**RE-IMPOSITION OF A LOCAL OPTION TOURISM DEVELOPMENT FEE**

The General Assembly approved **H.5011**, legislation making provisions for the re-imposition of a local option tourism development fee that allow for a municipality’s use of a portion of the fee for tax relief to continue without interruption.

*STATUS: Having passed the General Assembly H.5011 was ratified on May 24, 2016 (R.208). On May 26, the Governor vetoed the legislation. The House of Representatives and the Senate subsequently voted to override the Governor’s veto to allow the bill to become law (Act No. 249).*

**SERVICE CREDIT PURCHASES IN STATE RETIREMENT SYSTEMS FOR THOSE TERMINATED JUST BEFORE ATTAINING RETIREMENT ELIGIBILITY**

The General Assembly approved **S.381**, a bill addressing service credit purchases in state retirement systems for those terminated just before attaining retirement eligibility. The legislation provides that an active member of the South Carolina Retirement System or South Carolina Police Officers Retirement System who is terminated within one year of retirement eligibility shall have five business days after the date of termination to purchase any service credit that the member is eligible to purchase in order to attain retirement eligibility.

*STATUS: Having passed the General Assembly, S.381 was ratified on June 2, 2016 (R.217) and was signed into law by the Governor on June 3 (Act No. 202).*

**SHORTENING THE LEGISLATIVE SESSION**

The General Assembly approved **S.267**. It shortens the General Assembly legislative session by requiring adjournment for the year by the second Thursday in May rather than the current deadline of the first Thursday in June. In addition to the current provisions for extending a legislative session, it provides that upon any forecasted revenue reduction submitted by the Board of Economic Advisors, after April tenth, for the next fiscal year, then the adjournment date for the General Assembly may be extended up to two weeks upon agreement of the Speaker of the House with the President *Pro Tempore* of the Senate.

*STATUS*: *Having passed the General Assembly, S.267 was ratified on June 2, 2016, (R.214) and was signed into law by the Governor on June 3 (Act No. 199).*

**SOCIETY OF FORMER AGENTS OF THE STATE LAW ENFORCEMENT DIVISION MEMBERSHIP DUES**

The General Assembly approved **H.5270**, a bill expanding provisions for optional payroll deductions for state employees’ association dues by allowing membership dues for the Society of Former Agents of the State Law Enforcement Division to be deducted from the compensation of a state retiree, at the retiree’s request, and paid over to the association in the same manner other membership dues are deducted and paid.

*STATUS: Having passed the General Assembly, H.5270 was ratified on June 2, 2016 (R.287). On June 8, the Governor vetoed the legislation. The House of Representatives and the Senate subsequently voted to override the Governor’s veto to allow the bill to become law (Act No. 277).*

**“SOUTH CAROLINA PUBLIC PRAYER AND INVOCATION ACT”**

The General Assembly approved **S.233**, the “South Carolina Public Prayer and Invocation Act”. The legislation makes revisions in keeping with particular court rulings to the statutory protocol governing the way in which a deliberative public body may invite religious leaders to offer voluntary public invocations at its meetings which are not to be used as an opportunity to proselytize or advance any one, or to disparage any other faith or belief, or coerce participation by observers of the invocation.

*STATUS: Having passed the General Assembly, S.233 was ratified on June 2, 2016 (R.213) and was signed into law by the Governor on June 3 (Act No. 198).*

**STATE AVIATION FUND**

The General Assembly approved **H.4577**, legislation that provides for yearly aircraft property tax revenue in excess of two and one-half million to be credited to the State Aviation Fund to support the maintenance and upkeep of airports. However, revenue in excess of five million dollars must be credited in equal amounts to the state’s general fund and the State Aviation Fund.

*STATUS: Having passed the General Assembly, H.4577 was ratified on June 2, 2016 (R.267) and was signed into law by the Governor on June 5 (Act No. 239).*

**TRANSPORTING NECESSARY GOODS AND SERVICES TO DISASTER AREAS DURING CURFEWS**

The General Assembly approved **H.5299**, legislation that establishes authority for transporting necessary goods and services to disaster areas during curfews. The legislation revises the Governor’s authority in times of emergency to make provisions for a certification process with the Emergency Management Division to authorize someone to enter a disaster area and operate during times when a state or local curfew has been imposed in order to transport necessary commercial goods to the curfew area, assist in ensuring the availability of these needed goods, or to assist in restoring utility services. The certification system shall be included in the State Emergency Plan.

*STATUS: Having passed the General Assembly, H.5299 was ratified on June 2, 2016 (R.289) and was signed into law by the Governor on June 3 (Act No. 236).*

**TAX RELIEF AND STATE FINANCES**

**ALTERNATIVE FUEL TAX INCENTIVES**

The General Assembly approved **S.1122**, a bill establishing tax incentives for investments in alternative fuel storage and distribution infrastructure and motor carrier vehicle fleets powered by alternative fuels. The legislation establishes provisions that allow a taxpayer who purchases or constructs and installs and places in service in this state eligible property that is used for distribution, dispensing, or storing alternative fuel at a new or existing facility to receive an income tax credit equal to twenty‑five percent of purchase, construction, and installation costs. The legislation makes provisions for temporary property tax discounts on a motor carrier’s newly-acquired motor vehicles fueled wholly or partially by alternative fuel. The definition of alternative fuel is revised to include liquefied natural gas.

*STATUS: Having passed the General Assembly, S.1122 was ratified on June 2, 2016 (R.239) and was signed into law by the Governor on June 6 (Act No. 269).*

**CHARITABLE BINGO GAME REVISIONS**

The General Assembly approved **H.5034**, a bill makingcharitable bingo game revisions. The legislationrequires the Department of Revenue to establish an informational charitable bingo webpage on its website to serve as a clearinghouse for information and access to the Bingo Tax Act and its implementation and regulation, including access to licensure information, the manner in which to file complaints, and clarification on issues the department finds in connection with violations of the Bingo Tax Act. The webpage must also include a process for submitting questions to the bingo division of the department. The department shall post official minutes of meetings, including committee responses to each bingo inquiry. The percentage of bingo revenues that is distributed to charity is increased from twenty-six percent to twenty-eight percent. The legislation provides for an increase in the funds that are sent to the Department of Parks, Recreation and Tourism by providing for at least $2.5 million to be sent to the Parks and Recreation Development Fund. The legislation revises procedures applicable to the conduct of bingo, so as to increase the allowance for promotions from one hundred dollars to two hundred dollars. The legislation redefines ‘building’ under the definitions of the Bingo Tax Act to provide that it is any structure used or intended for supporting or sheltering any use or occupancy designated by a separate address, provided the structure does not include any interior access to another area where bingo is played. Bingo provisions are revised to exclude certain raffles. The legislation makes revisions relating to the manner of playing bingo, so as to provide the manner in which certain devices must be operated. The Department of Revenue is afforded forty-five days, rather than the current thirty days, to approve or reject applications for a bingo license by nonprofit organizations and promoters. The legislation revises provisions relating to bingo checking and savings accounts, so as to allow the promoter to make certain contributions and to allow for electronic payments.

*STATUS: Having passed the General Assembly, H.5034 was ratified on June 2, 2016 (R.280) and was signed into law by the Governor on June 7 (Act No. 254).*

**CIGARETTE TAX STAMPS**

The General Assembly approved **H.4151**, a bill providing for cigarette tax stamps. The legislation establishes requirements for affixing stamps on cigarette packs as an indication of taxes paid. A distributor is afforded a tax credit of up to $175,000 against the tobacco tax for costs incurred in the purchase of a stamping machine and equipment. An agent who is charged with affixing and accounting for the taxes represented by the stamps retains a discount of 4.25% of the face value of the stamps as compensation.

*STATUS: Having passed the General Assembly, H.4151 was ratified on March 10, 2016 (R.149) and was signed into law by the Governor on March 14 (Act No. 145).*

**FUNDING FOR FIREFIGHTING NEEDS** **AND EMERGENCY MEDICAL SERVICES TRAINING**

The General Assembly approved **S.973**, a bill extending and revising provisions for devoting a portion of insurance premium tax revenues to the funding of firefighting needs and emergency medical services training. The legislation extends until June 30, 2030, the requirement for using two and one‑quarter percent of each year’s insurance premium tax revenues to fund emergency response needs and redistributes the revenue so that: one percent is transferred to the South Carolina Forestry Commission to be used for firefighting and firefighting equipment replacement; one percent is transferred to the aid to fire districts account within the State Treasury to be distributed to local fire departments for firefighting equipment replacement, with half of annually allocated funds to be distributed equally among the state’s fire departments and the remaining balance used to fund the V‑SAFE grant program for local volunteer fire departments; and, one quarter of one percent is transferred to the aid to emergency medical services regional councils within the Department of Health and Environmental Control to be used for grants to fund emergency medical technician and paramedic training.

*STATUS: Having passed the General Assembly, S.973 was ratified on June 2, 2016 (R.230). The Governor vetoed the legislation on June 6. The Senate and House of Representatives subsequently voted to override the Governor’s veto to allow the bill to become law (Act No. 273).*

**HABITAT FOR HUMANITY CHECK OFF ON INCOME TAX FORMS**

The General Assembly approved **H.4765**, legislationthat provides for an expansion of the voluntary contributions that an individual may make by means of a South Carolina income tax return check off, by adding a check off for the South Carolina Association of Habitat for Humanity Affiliates on the tax form.

*STATUS: Having passed the General Assembly, H.4765 was ratified on June 17, 2016 (R.309) and was signed into law by the Governor on June 22 (Act No. 280).*

**IMPACT FEE EXEMPTIONS FOR SCHOOLS AND VOLUNTEER FIRE DEPARTMENTS**

The General Assembly approved **H.4416**, a bill establishingimpact fee exemptions for schools and volunteer fire departments. The legislationrevises exemptions from development impact fees imposed by local governments on new construction, so as to add exemptions for the construction of new elementary, middle, and secondary schools and the construction of new volunteer fire departments.

*STATUS: Having passed the General Assembly, H.4416 was ratified on June 2, 2016 (R.262) and was signed into law by the Governor on June 3 (Act No. 229).*

**LOCAL SALES TAXES**

The General Assembly approved **H.5078**, a bill that makes revisions regarding locally-imposed sales taxes. The legislation makes revisions in various local sales and use tax provisions, so as to define “general election” as the Tuesday following the first Monday in November in any year. The legislation revises provisions relating to the Capital Projects Sales Tax Act, so as to provide that the tax must terminate on April thirtieth of an odd‑ or even‑numbered year. If the referendum on the question of imposing sales and use tax is conducted in an odd-numbered year, and it is the only matter being considered at the general election, then six weeks before the referendum, the election commission must publish in a newspaper of general circulation the question that is to appear on the ballot, with the list of projects and the cost of the projects.

*STATUS: Having passed the General Assembly, H.5078 was ratified on June 2, 2016 (R.282) and was signed into law by the Governor on June 6 (Act No. 250).*

**MILLAGE RATE INCREASE LIMITATIONS AND EXCEPTIONS**

The General Assembly approved **H.4762**, a bill relating toexceptions to limitations on millage rate increases. The legislationrevises provisions relating to the limitation on millage rate increases and exceptions to this limitation, so as to revise the exception to this limitation for the purchase of capital equipment and other expenditures in a county having a population of less than one hundred thousand persons and having at least forty thousand acres of state forest land by providing for this minimum acreage requirement to include state or national forest land. Currently, only state forest land acreage is counted under this exception.

*STATUS: Having passed the General Assembly, H.4762 was ratified on June 2, 2016 (R.268).* *On June 6, the Governor vetoed the legislation. The House of Representatives and the Senate subsequently voted to override the Governor’s veto to allow the bill to become law (Act No. 276).*

**MULTIPLE LOT REAL PROPERTY TAX DISCOUNT EXTENSION**

The General Assembly approved **H.3710**, a bill that extends the multiple lot real property tax discount that has been provided to property developers to allow for an additional year of eligibility in certain circumstances so that it would apply for property tax years beginning after 2011 and before 2017.

*STATUS: Having passed the General Assembly, H.3710 was ratified on June 2, 2016 (R.254) and was signed into law by the Governor on June 6 (Act No. 237).*

**OFF‑PREMISES OUTDOOR ADVERTISING SIGNS CLASSIFIED AS PERSONAL PROPERTY FOR TAX PURPOSES**

The General Assembly approved **H.4712**, a bill making clarifications regarding the classification of off‑premises outdoor advertising signs as personal property for tax purposes. The legislation establishes conditions under which an off‑premises outdoor advertising sign is classified as tangible personal property for tax purposes, and establishes provisions under which the value of a lease or lease income on such billboards may not be used in the assessment of the tax value of the real property on which the advertising sign is erected. The legislation includes provisions for any sign permit required by local, state, or federal law to be considered as intangible personal property for ad valorem property tax purposes.

*STATUS: Having passed the General Assembly, H.4712 was ratified on April 26, 2016 (R.173) and was signed into law by the Governor on April 29 (Act No. 167).*

**PROPERTY TAX REVISIONS**

The General Assembly approved **H.3313**, a bill revising various property tax provisions. The legislation makes provisions for the portion of a parcel of real property changed from agricultural use for purposes of residential or commercial development that is designated on the recorded development plat of the parcel as ‘green space for conservation’ or ‘open space’ if it equals ten percent or more of the area included within the outermost boundaries of the residential or commercial development to be valued according to its new ‘green space for conservation’ or ‘open space’ use for purposes in calculating roll‑back tax due on the parcel. The legislation provides that, after a parcel of real property has been sold or undergone another assessable transfer of interest, delinquent property tax and penalties assessed because the property was improperly classified as owner‑occupied residential property while owned by the transferor are solely a personal liability of the transferor and do not constitute a lien on the property and are not enforceable against the property after the assessable transfer of interest if the transferee is a bona fide purchaser for value without notice. Under the legislation, these provisions that taxes and penalties assessed because of misclassification of real property remain the obligation of the property owner at the time of the misclassification rather than the responsibility of the buyer of the property would apply not only to property sales but also to trust distributions and property settlements in divorces. The legislation provides that roll‑back taxes must not be applied solely because the owner of the property fails to make written application for an agricultural assessment so long as the actual use of the property remains agricultural. If the property assessment is changed from agricultural or the property is assessed roll‑back taxes, the owner may appeal, and if an appeal is made, the property must continue to be assessed as agricultural and the roll‑back taxes may not be applied until the final appeal date. The legislation establishes a protocol authorizing a county to allow a taxpayer the option of receiving certain property tax bills and receipts in electronic form.

*STATUS: Having passed the General Assembly, H.3313 was ratified on June 2, 2016 (R.250) and was signed into law by the Governor on June 7 (Act No. 251).*

**RENEWABLE ENERGY INCOME TAX CREDITS**

The General Assembly approved **H.3874**, a bill providing for renewable energy income tax credits. The legislation makes provisions for an income tax credit for a taxpayer who constructs, purchases, or leases and places into service large-scale nonresidential solar energy equipment located on property in South Carolina that is included on the Environmental Protection Agency’s National Priority List, National Priority List Equivalent Sites, or on a list of related removal actions, as certified by the Department of Health and Environmental Control. The income tax credit covers twenty‑five percent of the cost, including the cost of installation, of the property up to a cap of $2.5 million for each installation of solar energy property. A sunset provision is included so that new credits will only be allowed through 2017. The legislation also expands the renewable energy tax credit geared towards residential customers that allows an income tax credit to address a portion of the cost of purchasing and installing solar energy systems or small hydropower systems so that this tax credit also applies to geothermal machinery and equipment. A sunset provision is included so that these income tax credits for geothermal machinery and equipment will only be available through 2018.

*STATUS: Having passed the General Assembly, H.3874 was ratified on February 11, 2016 (R.137) and was signed into law by the Governor on February 16 (Act No. 134).*

**“SOUTH CAROLINA ABLE SAVINGS PROGRAM”**

The General Assembly approved **H.3768** to provide for the “South Carolina ABLE Savings Program” that allows for the establishment of savings accounts as a means of empowering individuals with a disability and their families to save private funds to support the individual with a disability. The legislation allows for state implementation that coordinates with the federal Achieving Better Life Experience (ABLE) Act of 2014. The legislation establishes the Savings Program Trust Fund and Savings Expense Trust Fund and provides guidelines to the State Treasurer for the maintenance of these accounts. Provisions are made for a South Carolina individual income tax deduction for contributions made to ABLE savings investment trust accounts up to the limit of maximum contribution amounts allowed under federal tax provisions.

*STATUS: Having passed the General Assembly, H.3768 was ratified on April 26, 2016 (R.171) and was signed into law by the Governor on April 29 (Act No. 165).*

**STATE AVIATION FUND**

The General Assembly approved **H.4577**, legislation that provides for yearly aircraft property tax revenue in excess of two and one-half million to be credited to the State Aviation Fund to support the maintenance and upkeep of airports. However, revenue in excess of five million dollars must be credited in equal amounts to the state’s general fund and the State Aviation Fund.

*STATUS: Having passed the General Assembly, H.4577 was ratified on June 2, 2016 (R.267) and was signed into law by the Governor on June 5 (Act No. 239).*

**“STATE TELECOM EQUITY IN FUNDING ACT”**

The General Assembly approved **S.277**, the “State Telecom Equity in Funding Act”. Responding to innovations in such areas as wireless communications and Internet-based services that have transformed the telecommunications marketplace over the course of recent years, the legislation revises statutory requirements for telecommunications service providers to make contributions to the Universal Service Fund as well as to the program that provides specialized telecommunications services to those who are deaf or have other hearing or speech impairments. Act 488 of 1990 authorized the Public Service Commission to establish a statewide program to provide telephone access to individuals with hearing or speech impairments through a dual party relay system that allows those who are deaf, hearing, and speech impaired to communicate through an intermediary party, and authorized that the program be funded through monthly surcharges imposed on all of a local exchange telephone company's residential and business lines. The “State Telecom Equity in Funding Act” revises the funding mechanism for the dual party relay program so that surcharges are collected not only on traditional land line telephones, but also on the full array of telecommunications services offered in the contemporary market, including commercial mobile radio service (CMRS), prepaid wireless service, and Voice over Internet Protocol (VoIP) service. The legislation revises statutory provisions for the state’s Universal Service Fund, which is used for initiatives to guarantee access to affordable telecommunications services in sparsely-populated rural areas and other places that may be underserved by the marketplace, to accommodate the collection of surcharges not only on traditional land lines, but also on wireless telecommunications services. The legislation revises provisions that govern the maximum size of the state’s Universal Service Fund to establish a new, lower, cap on USF funds. A carrier of last resort authorized to receive funds from the USF is subject to random compliance audits and other investigations by the Public Service Commission Office of Regulatory Staff. The Office of Regulatory Staff is also charged with new responsibilities for making regular reports to the to the Public Utilities Review Committee on the status of the Universal Service Fund detailing funding needs and appropriate levels of USF distributions.

*STATUS: Having passed the General Assembly, S.277 was ratified on May 24, 2016 (R.192) and was signed into law by the Governor on May 25 (Act No. 181).*

**TAX CREDIT FOR PROCESSING DONATED DEER MEAT**

The General Assembly approved **H.4765**, legislation that includes an enhancement of the tax credit that is allowed for a meat packer, butcher, or processing plant processes deer meat for donation to a charitable organization engaged in distributing food to the needy. The legislation provides that the amount of the credit is seventy‑five dollars for each carcass processed and donated, rather than the current amount of fifty dollars.

*STATUS: Having passed the General Assembly, H.4765 was ratified on June 17, 2016 (R.309) and was signed into law by the Governor on June 22 (Act No. 280).*

**TAX INCENTIVES AND ECONOMIC DEVELOPMENT BENEFITS**

The General Assembly approved **S.427**, a bill that provides for various tax incentives and addresses economic development benefits for the agriculture sector. The legislation authorizes job tax credits for commercial aviation sector services relating to the repair, maintenance, and refurbishment of aircraft. The legislation establishes job tax credit eligibility provisions for agricultural packaging operations and for seasonal workers at agricultural packaging and agribusiness operations. The legislation provides a sales tax exemption for machines used in agricultural packaging operations. The legislation provides that, in awarding benefits for economic development projects, including awards from the Governor’s Closing Fund, the Department of Commerce and the Coordinating Council for Economic Development must consider agricultural businesses. The Department of Commerce and the coordinating council must consider the number of jobs created, including full‑time, part‑time, and seasonal jobs, and the total investment made, including the cost of the real property.

*STATUS: Having passed the General Assembly, S.427 was ratified on June 2, 2016 (R.218) and was signed into law by the Governor on June 8 (Act No. 256).*

**TAX RELIEF FOR MILITARY RETIREES**

The General Assembly approved **H.3147** which provides for a South Carolina individual income tax deduction for military retirement benefits in an amount of up to thirty thousand dollars each year for those who are at least sixty‑five years old and up to seventeen thousand five hundred dollars each year for younger taxpayers. A surviving spouse receiving military retirement income is eligible for the deductions. The deductions are gradually phased in under a five-year schedule so that maximum deductions for military retirement benefits are provided by 2020. The legislation also includes provisions for unused textile mill site rehabilitation tax credits to be carried forward.

*STATUS: Having passed the General Assembly, H.3147 was ratified on June 6, 2016 (R.297) and was signed into law by the Governor on June 7 (Act No. 272).*

**TAX REVISIONS**

The General Assembly approved **H.4328**, a bill revising various tax provisions. The legislation synchronizes certain filing deadlines regarding income tax withholdings to eliminate a lag time that presents an opportunity for fraud. The legislation updates statutory references to U.S. Internal Revenue Code provisions so that state tax provisions coordinate with federal tax provisions. The legislation provides for a state sales tax exemption for liquefied petroleum gas and natural gas sold to a person with a miscellaneous fuel user fee license for use as motor fuel in motor vehicles. Applicable motor fuel user fees must be remitted.

*STATUS: Having passed the General Assembly, H.4328 was ratified on April 19, 2016 (R.165) and was signed into law by the Governor on April 21 (Act No. 160).*

**TEXTILES COMMUNITIES REVITALIZATION TAX CREDIT ENHANCEMENT**

The General Assembly approved **H.5009**, a bill that revises the South Carolina Textiles Communities Revitalization Act by eliminating a provision that limits a tax credit to fifty percent of income tax, corporate license fee, and insurance premium tax liability.

*STATUS: Having passed the General Assembly, H.5009 was ratified on May 17, 2016 (R.189) and was signed into law by the Governor on May 23 (Act No. 179).*

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