~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

March 21, 2018

**H. 5064**

Introduced by Reps. Funderburk, W. Newton and Norrell

S. Printed 3/21/18--H.

Read the first time March 6, 2018.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (H. 5064) to amend Section 1‑13‑40, Code of Laws of South Carolina, 1976, relating to the South Carolina Commission on Human Affairs, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

/ SECTION 1. Section 1‑13‑40(j) of the 1976 Code is amended to read:

“~~(j)~~ ~~The Commission shall render each year to the Governor and to the General Assembly a written report of its activities and of its recommendations.~~”

SECTION 2. Section 1‑13‑70(i) of the 1976 Code is amended to read:

“(i) To require from any ~~state agency or department or local subdivisions of a state agency or department~~ employer such reports and information at such times as it may deem reasonably necessary to effectuate the purposes of this chapter pursuant to Section 1‑13‑90(c) and (d).”

SECTION 3. Section 1‑13‑90(d)(6) of the 1976 Code is amended to read:

“(6) If a charge filed with the commission by a complainant pursuant to this chapter is dismissed by the commission, or if within one hundred eighty days from the filing of the charge the commission has not filed an action under this chapter or entered into a conciliation agreement to which the complainant is a party, the complainant may bring an action in equity against the respondent in circuit court. The action must be brought within one year from the date of the violation alleged, or within one hundred twenty days from the date the complainant’s charge is dismissed, whichever occurs ~~earlier~~ later, except that this period may be extended by written consent of the respondent.”

SECTION 4. Section 31‑21‑120(B) of the 1976 Code is amended to read:

“(B) A complaint under subsection (A) must be filed within one hundred eighty days after the alleged discriminatory housing practice occurred. The complaint must be in writing and shall state the facts upon which the allegations of a discriminatory housing practice are based. A complaint may be reasonably and fairly amended at any time. A respondent may file an answer to the complaint against him, not later than ten days after receipt of notice, and may be amended reasonably and fairly by the respondent at any time. ~~Both complaint and answer must be verified.~~”

SECTION 5. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

F. GREGORY DELLENE, JR. for Committee.

**A** **BILL**

TO AMEND SECTION 1‑13‑40, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE SOUTH CAROLINA COMMISSION ON HUMAN AFFAIRS, SO AS TO DELETE A DUPLICITOUS REPORTING REQUIREMENT; TO AMEND SECTION 1‑13‑70, RELATING TO THE POWERS OF THE COMMISSION, SO AS TO CLARIFY THAT THE COMMISSION MAY REQUIRE REPORTS FROM ALL EMPLOYERS; TO AMEND SECTION 1‑13‑90, RELATING TO THE DUTIES OF THE COMMISSION, SO AS TO EXTEND THE TIME BY WHICH A COMPLAINANT MAY BRING AN ACTION IN CIRCUIT COURT; AND TO AMEND SECTION 31‑21‑120, RELATING TO COMPLAINTS INVOLVING DISCRIMINATORY HOUSING PRACTICES, SO AS TO DELETE A REQUIREMENT THAT THE COMPLAINT AND ANSWER BE VERIFIED.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 1‑13‑40(j) of the 1976 Code is amended to read:

“~~(j)~~ ~~The Commission shall render each year to the Governor and to the General Assembly a written report of its activities and of its recommendations.~~”

SECTION 2. Section 1‑13‑70(i) of the 1976 Code is amended to read:

“(i) To require from any ~~state agency or department or local subdivisions of a state agency or department~~ employer such reports and information at such times as it may deem reasonably necessary to effectuate the purposes of this chapter.”

SECTION 3. Section 1‑13‑90(d)(6) of the 1976 Code is amended to read:

“(6) If a charge filed with the commission by a complainant pursuant to this chapter is dismissed by the commission, or if within one hundred eighty days from the filing of the charge the commission has not filed an action under this chapter or entered into a conciliation agreement to which the complainant is a party, the complainant may bring an action in equity against the respondent in circuit court. The action must be brought within one year from the date of the violation alleged, or within one hundred twenty days from the date the complainant’s charge is dismissed, whichever occurs ~~earlier~~ later, except that this period may be extended by written consent of the respondent.”

SECTION 4. Section 31‑21‑120(B) of the 1976 Code is amended to read:

“(B) A complaint under subsection (A) must be filed within one hundred eighty days after the alleged discriminatory housing practice occurred. The complaint must be in writing and shall state the facts upon which the allegations of a discriminatory housing practice are based. A complaint may be reasonably and fairly amended at any time. A respondent may file an answer to the complaint against him, not later than ten days after receipt of notice, and may be amended reasonably and fairly by the respondent at any time. ~~Both complaint and answer must be verified.~~”

SECTION 5. This act takes effect upon approval by the Governor.

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