

## ALERTS

## South Carolina Legislative Update - May 5, 2014

May 5, 2014

***South Carolina General Assembly*****"Crossover" Complete**

The General Assembly's May 1 "crossover" deadline requires bills to move from one legislative body to the other or require a two-thirds vote for consideration in the receiving chamber for bills received after May 1.

**Bills that HAVE crossed over**

- **Electronic data privacy:** H. 4791 A bill to clarify requirements for searches of electronic messages and mobile devices, requiring law enforcement get a search warrant before searching a mobile device.
- **Winter holidays:** H. 4458 A winter holidays bill that will allow public schools to educate and celebrate traditional winter holidays.
- **Ethics reform:** H. 3945 Versions of ethics bills have passed both chambers. The bills would require more disclosure by lawmakers, but they differ over who could discipline House and Senate members, who now face only their peers on the House and Senate ethics committees.
- **Limiting abortion:** H. 4223 A House-passed proposal to ban abortions after 19 weeks, except in instances where the life of the mother is threatened, is in the state Senate.
- **Read to Succeed/4K:** S. 516 A Senate-passed bill would pay for added instruction for third-graders having difficulty reading, including reading coaches and summer reading camps. The bill also would expand the state's free full-day kindergarten program for at-risk 4-year-olds as money is made available.
- **Common Core:** H. 3893 The Senate on Thursday unanimously approved a bill that replaces Common Core education standards with those developed in South Carolina by the 2015-16 school year. The bill, which passed 42-0, is a compromise of legislation that initially sought to repeal the math and reading standards that have been rolled out in classrooms statewide since their adoption by two state boards in 2010. Testing aligned to those standards must start next year, using new tests that assess college and career readiness, or the state will lose its waiver from the all-or-nothing provisions of the federal No Child Left Behind law.
- **Research university within the College of Charleston:** H. 4632 Legislators voted 98-5 on legislation that establishes the University of Charleston for awarding advanced degrees benefiting the local economy. Another perfunctory vote on Wednesday will send the measure to the Senate. The bill initially created a comprehensive research university by merging the College of Charleston and the Medical University of South Carolina, which conducts medical research. But that proposal was opposed by MUSC's board. The compromise bars the University of Charleston from duplicating programs already offered in Charleston. Sponsoring Republican Rep. Jim Merrill of Charleston says the College of Charleston needs to be elevated into a research university to meet the workforce needs of the Lowcountry's growing economy.

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- **Solar energy:** S. 118 A bill, originally intended to help homeowners afford the high upfront cost of rooftop solar energy systems has been amended to help power companies recover costs. Despite some concerns, the complex bill is expected to increase solar energy use in the state.

### Bills that have NOT crossed over

- **Freedom of Information Act:** H. 3163 A bill strengthening the state's Freedom of Information Act. As written, the bill barred government entities from charging excessive fees, required them to respond more quickly to requests, and inserted penalties for ignoring the law. But an amendment removing the exemption for legislators' correspondence stymied the effort again. The House voted in March 2013 to send the bill back through the committee process. It has made no progress since then.
- **Several anti-abortion bills.** S. 457/S. 83 Two so-called "personhood" bills by Sen. Lee Bright, R-Roebuck, would outlaw abortion outright by granting legal rights at fertilization. Those remain in subcommittee. Another of Bright's bills, S. 204 seeks to close abortion clinics by requiring doctors who perform them to have admitting privileges at local hospitals. That advanced to the Senate floor, but a senator is blocking debate. A bill dubbed the "Pregnant Women's Protection Act", S.527, is viewed by opponents as a back-door attempt to end abortions. It states that a pregnant woman has a right to defend a threat to her unborn child using deadly force. It's the definition of "unborn child," as beginning with conception, which concerns abortion-rights activists.
- **Divorce requirements:** H. 3169 A proposed amendment to the South Carolina constitution allowing couples to divorce after 150 days of separation, rather than one year. The measures would shorten the required separation for a no-fault divorce to five months, if voters approve the change in a referendum. The bills narrowly advanced to the House floor in February. But the House voted last month to send them back through the committee process.
- **Families and nursing homes:** S. 662 A bill giving families the ability to electronically monitor their loved ones in South Carolina's nursing homes. A tie vote of 7-7 prevented its advancement to the Senate floor last month. It would require nursing homes to allow residents or their families to install a camera and pay any monitoring costs. Its sponsor, Sen. Paul Thurmond of Charleston, said families should have the opportunity to check in on loved ones to ensure they're not being abused or neglected. But the state's nursing home association is fighting the measure as interfering with private businesses and invading people's privacy.
- **Reduced speed near highway construction zones:** S. 139 An attempt to slow down drivers in highway construction zones by increasing penalties and state troopers' presence. The bill creates the crime of endangering a highway worker for anyone speeding or ignoring traffic signs inside construction or utility work zones. Half of the increased fines would go to the Department of Public Safety to fund more troopers at the sites. The current fine for speeding in a work zone is \$75 to \$200 and up to 30 days in jail. The bill would increase that to between \$500 and \$1,000 if no one's injured, and up to \$5,000 if injury results. Currently, about 20 troopers are assigned to a team that patrols work zones statewide.
- **Repeal of "stand your ground":** H. 4924 A bill repealing the state's "stand your ground" law. The bill would delete from state law residents' right to use deadly force to defend themselves against an attacker wherever they are, as long as they have a right to be there. That language was added in June 2006. The bill introduced in February would still allow people to use deadly force against someone illegally and forcibly entering a home, business or occupied vehicle. The bill went nowhere.

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- **Open carry:** S. 115 A bill allowing people to openly carry guns in South Carolina without a permit. That proposal's chances were shot down in February, as the Senate Judiciary Committee refused 4-17 to advance the measure to the full Senate. It's rare for legislators to defeat a bill outright, but the committee wanted to move on to other issues, a year after a room packed with gun enthusiasts applauded its subcommittee passage. Currently, only people who hold a concealed weapon permit can carry a gun in public, and the gun must remain concealed. The legislation sponsored by Bright, who's running for U.S. Senate, would have deleted the need for training and a permit. Gun enthusiasts argue such steps are against their constitutional rights. Opponents included law enforcement.

### *In the News*

#### **Politicians, activists, victims celebrate Emma's Law at State House**

More than 100 people gathered in the State House downstairs lobby last week to celebrate the passage and signing of Emma's Law, the first bill the Legislature has passed in years targeting drunk drivers. On hand were numerous officials, safety activists, victims' relatives and others who had worked for the law. [Read more here.](#)

#### **Senate panel restores college cuts passed by SC House over gay-themes**

Senate budget writers voted last week to restore about \$70,000 in state money to two S.C. colleges, money the S.C. House voted to cut for assigning gay-themed books. [Read more here.](#)

### *Meeting Schedule*

#### **Monday, May 5**

No Meetings Scheduled

#### **Tuesday, May 6**

**11:00 am** -- Blatt Room 112 -- Majority Caucus

**11:00 am** -- Blatt Room 305 -- Minority Caucus

**Upon adjournment of the House** -- Blatt Room 112 -- Majority Caucus

**2:00 pm** -- Blatt Room 427 -- 3-M Subcommittee III, Local Government and Corrections Affairs

I. S. 1172 - Arts Commission

**2:30 pm** -- Blatt Room 427 -- 3-M Subcommittee II, Medical Occupational Regulation and Licensing Boards

I. S. 1036 - Dental Sedation Act

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II. S. 1084 - Daycare Centers, Nursery Schools and Kindergartens

III. H. 5002 - Birth Centers

IV. H. 5154 - Birth Centers

**2:30 pm** -- Blatt Room 433 -- EPW K-12 Subcommittee on S.516

I. S. 516 - Read to Succeed Act

**2:30 pm or 1 hours after the House adjourns** -- Blatt Room 516 -- Judiciary Committee

I. H. 3945 - Commission on Ethics Enforcement and Disclosure

II. S. 764 - Vulnerable Adult Guardian Ad Litem Program

III. S. 817 - Commission on National and Community Service

IV. S. 1035 - Medical Cannabis Therapeutic Treatment Research Act

V. S. 4 - Early Voting Procedures

**2:30 pm or 1 hours after the House adjourns** -- Blatt Room 403 -- LCI Business and Commerce Subcommittee on S.882, S.1026 and S.1099

I. S. 882 - Definition of Employment

II. S. 1026 - Contractor Payment Bonds

III. S. 1099 - Unemployment Benefits

**2:30 pm** -- Blatt Room 410 -- Wildlife Subcommittee

I. S. 1178 - Hunters

II. S. 1177 - Wildlife Management Areas

**2:30 pm** -- State House, 3rd Floor Conference Room -- Corrections and Penology Subcommittee

**4:30 pm** -- Blatt Room 427 -- SC Legislative Black Caucus

**Wednesday, May 7**

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**8:30 am** -- Gressette Room 207 -- Medical Affairs Subcommittee on H.3236, H.3827, H.3925, H.3983, H.4354, H.4550, H.4803 and H.4929

I. H.3236 - Cervical Cancer Prevention Act

II. H. 3827 - Department of Health and Environmental Control

III. H. 3925 - Discharge of Pollutants into the Environment

IV. H. 3983 - Hospitals

V. H. 4354 - Right of the Patient Regarding Medical Records

VI. H. 4550 - Long Term Healthcare Administrators

VII. H. 4803 - Medical Cannabis Therapeutic Treatment Research Act

VIII. H. 4949 - Mary Holmes 100<sup>th</sup> Birthday Resolution

**8:30 am** -- Blatt Room 321 -- Omega Psi Phi Fraternity

**9:00 am** -- Blatt Room 427 -- 3-M Subcommittee V, Social Services, Mental Health and Children's Affairs

**9:00 am** -- Blatt Room 433 -- EPW Transportation Subcommittee on S.459 and H.5004

I. S. 459 - Use of Cellphone While Operating a Motor Vehicle

II. H. 5004 - Child Passenger Restraint Devices

**9:00 am** -- Blatt Room 516 -- Judiciary General Laws Subcommittee

I. S. 92 - Relating to Agencies of the States

**9:00 am** -- Gressette Room 308 -- Judiciary Subcommittee on H.3958

I. H. 3958 - Coroners

**9:30 am** -- Blatt Room 523 -- Ways and Means General Government, Personnel and Benefits Subcommittee

I. S. 1008 - Retirement Systems for Judges - Administrative Law Judges

**10:00 am** -- Gressette Room 209 -- Transportation Committee

**11:00 am** -- Blatt Room 305 -- Junior Leadership Pickens County

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**11:30 am - 2:00 pm** -- State House Grounds -- Legislative Luncheon--"SC Hospitality Day"--South Carolina Restaurant and Lodging Association

**11:30 am** -- Blatt Room 112 -- South Carolina Federation of Republican Women

**1:00 pm** -- Blatt Room 110 -- Legislative Group (Rep. Rita Allison)

**Upon adjournment of the House** -- Blatt Room 516 -- Judiciary Family and Probate Laws Subcommittee

I. S. 687 - SC Blind Persons Right to Parent Act

II. S. 872 - Legislative Committee on Children

III. H. 4751 - Missing Person Information Center

**1 hours after the House adjourns** -- Blatt Room 501 -- Ways and Means Economic Development, Capital Improvement and Other Taxes Subcommittee

I. S. 812 - Rural Infrastructure Authority Changes

II. H. 4778 - New Market Jobs Act

**2:30 pm or 1 hours after the House adjourns** -- Blatt Room 403 -- LCI Insurance Subcommittee on S.569 and S.1065

I. S. 569 - Competitive Insurance Act

II. S. 1065 - Self Storage Facilities

### Thursday, May 8

**9:00 am** -- State House, 3rd Floor Conference Room -- Conference Committee on H.3198

I. H. 3198 - Election Commission and Board of Registration

**9:00 am** -- Gressette Room 308 -- Labor, Commerce and Industry Committee

**9:00 am** -- Blatt Room 427 -- 3-M Subcommittee VI, Other Occupational Regulation and Licensing Boards

I. S. 1056 - Hearing Aids

**9:00 am** -- Blatt Room 410 -- Agriculture, Natural Resources and Environmental Affairs Committee

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I. S. 1032 - Coastal Zone Critical Areas

II. S. 1198 - Water Pollution Control Permits

**9:00 am** -- State House, 3rd Floor Conference Room -- Conference Committee on H.3198

I. H. 3198 - Election Commission and Board of Registration

**9:00 am** -- Blatt Room 511 -- Judiciary Constitutional Laws Subcommittee

I. S. 446 - Lieutenant Governor

II. S. 495 - Charitable Organization - Background checks

III. S. 176 - Magistrate Court

**9:00 am** -- Blatt Room 515-A -- Judiciary Special Laws Subcommittee

I. S. 343 - UCC

II. S. 840 - Prescription Monitoring Program

III. S. 779 - Lotteries

IV. S. 1007 - Mortgage Foreclosure

**9:00 am** -- Blatt Room 516 -- Judiciary Criminal Laws Subcommittee

I. S. 561 - Nonferrous Metals

II. S. 440 - Juvenile Restraints

III. S. 406 - Controlled Substances

IV. S. 813 - Loitering in Public Libraries

V. S. 142 - Omnibus Crime Reduction & Sentencing Reform Act of 2010

**10:00 am** -- Gressette Room 207 -- Judiciary Subcommittee on S.773 and S.788

I. S.773 - Transparency in Private Attorney Contracts Act

II. S.788 - Noneconomic Damages Limit

**Friday, May 9**

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No Meetings Scheduled.