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Date: 3/2/2018 3:39:10 PM
Subject: 2018 MARCH 2 UPDATE

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March 2, 2018
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Serving Irmo and Chapin

The House of Representatives approved **S.105** and enrolled the bill for ratification. The legislation makes revisions to **AUTOMATIC STAYS IN ADMINISTRATIVE LAW COURT** cases contesting permits, certificates, and other approvals issued by state agencies, boards, and commissions. Under the legislation, any party affected by an Administrative Law Court [ALC] automatic stay could petition for relief from it 90 days after the ALC contested action has been commenced. The hearing on any petition for relief from a stay would have to be held within 30 days after it is requested. These ALC cases must be resolved within twelve (12) months after their commencement unless all parties to the contested case consent to an extension or the court finds substantial cause for an extension. Nothing in this legislation applies to lifting stays on permits or licenses involving hazardous waste operations. Frivolous filings could be sanctioned under the South Carolina Frivolous Civil Proceedings Sanctions Act.

The House amended, approved, and sent the Senate **H.3565**, a bill addressing **ADMINISTRATIVE LAW COURT CONTESTED CASES INVOLVING THE CERTIFICATE OF NEED PROGRAM** which requires providers of health care services, such as hospitals and nursing homes, to obtain approval from the Department of Health and Environmental Control for additions to, or significant expansions of, their facilities and services. To allow for consistency in contested matters before the Administrative Law Court, the legislation applies the same twelve-month time period approved in S.105 for resolving a contested case arising from DHEC's decision to grant or deny a Certificate of Need application.

The House concurred in Senate amendments to **H.3929**, a bill revising permitting provisions for **POULTRY FARMS** to allow for a more expedited approval process for these facilities and expansions to them, and enrolled the legislation for ratification. The legislation makes revisions regarding setbacks, buffers and other specific requirements for the review and appeal of decisions by the Department of Environmental Control regarding the permitting of a poultry facility or another animal facility, except a swine facility. The legislation changes the distance from two miles to one mile in which an affected person must live in order to appeal the facility's operating permit. The legislation further provides that challenges must be made by an individual affected person and may not be lodged on their behalf. A final decision to issue a permit, license, certification, or other approval of a poultry facility or another animal facility, except a swine facility, may not be contested if the proposed building footprint is located eight hundred feet or more from the facility owner's property line or located one thousand feet or more from an adjacent property

owner's residence.

The House took up legislation that draws upon the work of the special House Opioid Abuse Prevention Study Committee that was appointed by the Speaker of the House to examine the growing misuse of prescription painkillers and recommend legislative actions to counter the epidemic of ruinous addiction and fatal overdoses. The House approved and sent the Senate **H. 4488**, a bill **ALLOWING OFFICIALS WHO ARE DETERMINING CAUSES OF DEATH TO HAVE ACCESS TO PRESCRIPTION DRUG MONITORING INFORMATION**. The legislation expands the list of persons to which the Department of Health and Environmental Control's Bureau of Drug Control may provide prescription monitoring program data so that it also includes a coroner, deputy coroner, medical examiner, or deputy medical examiner who is involved in an official inquiry into the cause and manner of a person's death.

The House amended, approved, and sent the Senate **H.4479**, a bill revising the process for addressing **LAW ENFORCEMENT OFFICER MISCONDUCT** allegations to implement recommendations arising from the House Legislative Oversight Committee's study of the Law Enforcement Training Council and Criminal Justice Academy. The legislation authorizes the Law Enforcement Training Council to appoint attorneys employed by the Criminal Justice Academy to sit as hearing officers for contested case hearings. Under the legislation, no person who has a pending allegation of misconduct may be employed as a law enforcement officer or as a telecommunications operator or perform any law enforcement duties until a decision has been made that authorizes the employment. The legislation also makes revisions to the report that must be made to the Criminal Justice Academy whenever an officer separates from a law enforcement office. Under the changes, the supervising officer making the report would be subject to disciplinary action for submitting intentionally misleading or incomplete information, such as characterizing a situation where an officer is leaving a department due to alleged misconduct as a simple resignation. The changes are offered as a means of reducing the likelihood that a law enforcement officer leaving one police department because of alleged misconduct could be hired by another department without the allegations being addressed.

The House approved and sent the Senate **H.4596**, a bill authorizing public school districts to create **COMPETENCY BASED SCHOOLS** that are designed to improve progress towards attaining state education goals through a curriculum that allows students to pursue their own inquiries, take ownership of learning, and master competencies along a personalized and flexible pathway. The legislation allows a school district to establish a competency-based school by obtaining a waiver from the State Department of Education that allows the program to be exempt from certain requirements for the purposes of accountability and accreditation. If a school is selected to become a competency-based education school, the students enrolled in the school are considered full-time equivalent students for the purpose of calculating state financial support, average daily membership, and attendance while participating in the competency-based education program. The Department of Education is charged with developing separate evaluation criteria and guidelines for schools implementing competency-based education and conducting a biennial review of such schools. If the biennial review shows that the goals or objectives of the competency-based school are not being met, the exemptions granted for that school may be revoked. The department is also directed to develop a process to ensure that schools and districts are not penalized for the purposes of accreditation and to ensure that students are not penalized when transferring between schools with and without competency-based systems. The Commission on Higher Education and State Board for Technical and Comprehensive Education must establish policies to provide fair and equitable access to institutions of higher education and technical colleges for students with competency based credits or diplomas, scholarships, and financial aid for graduates of schools implementing innovative school models and using

nontraditional diplomas and transcripts.

The House amended, approved, and sent the Senate **H.4672**, a bill **REINSTATING VISION SCREENING REQUIREMENTS FOR DRIVER'S LICENSE RENEWALS**. The legislation provides that individuals will once again be required to satisfy vision screening requirements in order to renew a driver's license by either passing a vision test administered at the Department of Motor Vehicles or providing a certificate of vision examination form executed by an ophthalmologist or optometrist.

The House approved and sent the Senate **H.3195**, a bill to provide that the nineteenth day of June of each year, which is already designated as "Juneteenth Celebration of Freedom Day" to commemorate and reflect on the freedom of African Americans and their contributions to this state and nation, is also to be recognized as "**SICKLE CELL DAY IN SOUTH CAROLINA**" in order to join international efforts to raise awareness of the genetic disease and support and encourage research, treatment, and management of sickle cell disease.

The House returned **S.955** to the Senate with amendments. The Senate subsequently concurred in the amendments and enrolled the legislation for ratification. The joint resolution extends the screening process for candidates for **PUBLIC SERVICE COMMISSION SEATS 2, 4, AND 6** by directing the Public Utilities Review Committee to resume advertising for these positions and accept additional applications through noon on Monday, March 26, 2018. These applications are to be considered by the Public Utilities Review Committee in addition to those previously submitted.

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