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***NOTE: THESE SUMMARIES ARE PREPARED BY THE STAFF OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES AND ARE NOT THE EXPRESSION OF THE LEGISLATION'S SPONSOR(S) OR THE HOUSE OF REPRESENTATIVES. THEY 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.***

**HOUSE WEEK IN REVIEW**

The House of Representatives concurred in Senate amendments to **H.3358**, legislation that provides a framework for issuing and renewing state driver’s licenses and identification cards to bring South Carolina into **COMPLIANCE WITH THE FEDERAL REAL ID ACT** of 2005, and enrolled the bill for ratification. South Carolina’s compliance deadline of January 31, 2017, was extended by the U.S. Department of Homeland Security upon the request of former Governor Haley until June 6, 2017, and the enactment of compliance legislation should allow the state to operate under extended regulatory relief through September 30, 2020, the final implementation date for the federal REAL ID Act. If no action were taken, South Carolina driver’s licenses and identification cards would soon no longer be accepted where federal law requires the use of REAL ID compliant credentials for establishing personal identity. With no action taken, the presentation of South Carolina-issued ID would not be sufficient for entering such areas as federal buildings and military bases, after June 6, 2017, and, after January 22, 2018, would not be accepted for boarding commercial flights at airports. Enactment of compliance legislation should spare South Carolinians the trouble and expense of obtaining other compliant forms of identification to gain this access during the coming months, such as the necessity of presenting airport security with a United States Passport in order to board even domestic commercial flights. The legislation repeals the state statute that was adopted specifically to prohibit South Carolina agencies from complying with the provisions of the federal REAL ID Act. In order to comply with federal mandates, the legislation: transitions South Carolina licenses from a ten-year to an eight-year renewal cycle; provides for the inclusion of a Department of Homeland Security approved image, a star, for marking compliant state licenses or IDs; and, makes provisions for scanning and retaining copies of original personal documents like birth certificates, social security cards and proof of residency that are required for establishing identity. A REAL ID compliant card may only be issued to individuals who present all supporting documents required for a compliant credential. The legislation provides an individual the option of obtaining a noncompliant driver’s license or identification card lacking the star emblem from the SC Department of Motor Vehicles, with the understanding that the credential will not satisfy security requirements at places, such as federal office buildings, military bases, and airports where REAL ID compliant documents are needed. The DMV shall not provide direct access to the department’s full driver’s license database to any other jurisdiction. To begin to meet implementation costs, the legislation authorizes the DMV to expend $1.7 million from its current cash balances.

The House amended, approved, and sent the Senate **H.3548**, the **“SOUTH CAROLINA UNBORN CHILD PROTECTION FROM DISMEMBERMENT ABORTION ACT”**. The legislation prohibits the performance of a dismemberment abortion, which involves the use of surgical instruments to kill the unborn child by cutting up the body for piecemeal extraction, unless the procedure is necessary to save the life of the mother or to prevent the mother from suffering serious, irreversible physical harm. Physicians or others who knowingly perform, or attempt to perform, prohibited dismemberment abortions are guilty of a felony punishable with a fine of ten thousand dollars and/or imprisonment for two years. The legislation specifies that a woman upon whom a dismemberment abortion is performed may not be prosecuted for a violation, for a conspiracy to commit a violation, or for a related offense. The legislation makes provisions for a legal cause of action that may be brought against those who perform a prohibited dismemberment abortion to obtain such relief as actual damages, punitive damages, and legal costs.

The House amended, approved, and sent the Senate **H.3343**, the **“SOUTH CAROLINA EDUCATION SCHOOL FACILITIES ACT”**. The legislation makes provisions for state financial assistance to school districts, through such means as the issuance of state general obligation bonds and the awarding of grants, that must be used for permanent school instructional facilities, health and safety upgrades, technology access inside the school, and fixed building assets including the costs for construction, improvement, enlargement, or renovation of school facilities. The legislation does not provide financial assistance for unimproved real property, centralized school district administration facilities, or facilities normally identified with interscholastic sports activities. Under the legislation, the State Department of Education is charged with conducting a comprehensive study of all school districts’ facilities and physical assets and is assigned the responsibility of producing an annual prioritization report, with a total project cost that must not exceed two hundred million dollars, that ranks the qualified school projects. The department’s prioritization report must also provide a recommendation of whether financial assistance for a specific school project should be in the form of grants, loans or a combination of both. The legislation makes provisions for financial assistance to be allocated using the priorities established by the Office of School Facilities of the Department of Education as approved by the State Board of Education. Upon review of the information, the General Assembly may, through budget proviso or joint resolution, set the principal amount of the State School Facilities General Obligation Bonds to be considered. Upon approval of the Joint Bond Review Committee, the project prioritization report, with certification from the State Board of Education, must be submitted to the State Fiscal Accountability Authority in order for bonds to be issued. The legislation makes provisions for the State Board of Education to establish a revolving fund with such monies as may be appropriated by the General Assembly to operate a grant program that provides nonrecurring aid to school districts for facility maintenance expenses to include fire alarm systems, fire sprinkler or suppression systems, roof and heating and air conditioning repairs or replacements.

The House amended, approved, and sent the Senate **H.3311**, a bill enacting a comprehensive **WORKFORCE DEVELOPMENT** **PATHWAYS INITIATIVE**. The legislation revises the membership of the Coordinating Council for Workforce Development within the Department of Commerce, which provides centralized oversight and comprehensive planning for the numerous job training initiatives housed in various state agencies, so that the Education and Economic Development Act experts appointed by the State Superintendent of Education include a school district superintendent, a school counselor, and a career and technology education director. The legislation charges the member agencies of the Coordinating Council for Workforce Development with developing and implementing a statewide Career Pathways Initiative, in alignment with the South Carolina Education and Economic Development Act, to improve employment outcomes and address critical workforce needs. The initiative encompasses a Career Pathways program to facilitate a student’s transition from education to employment and a Pathways to New Opportunities Initiative to provide career services, including education, training, and job search assistance to adults. A Career Pathways Grant Fund is created for the purpose of awarding competitive grants to technical colleges to fund Pathways‑specific expenses, including program administration, career and technical equipment, facilities, instructional materials, transportation, and tuition grants. Funds must be used to establish new pathways or enhance existing pathways that confer the necessary skills and training to prepare students for careers in high‑demand fields in industry sectors with critical workforce needs. The Department of Employment and Workforce, in coordination with the State Board for Technical and Comprehensive Education and the Department of Commerce, shall develop, coordinate, and implement a Pathways to New Opportunities Initiative, which must leverage existing services and new resources to provide subsidized career training and certification and job placement assistance to adults throughout the state pursuing careers in high‑demand occupations in industry sectors with critical workforce needs. A Workforce Scholarship and Grant Fund is created to provide financial assistance to assist individuals with the costs of attending eligible technical college or professional certification programs such as tuition, fees, textbooks, and school related transportation. The Department of Employment and Workforce, in consultation with the Department of Commerce, must develop and implement a plan to facilitate the job placement of qualifying individuals who have completed the necessary training and certification, to ensure that they are matched with available employment opportunities in industry sectors with critical workforce needs throughout the state.

The House made appointments to a conference committee to address its differences with the Senate on **H.3726**, the **RETIREMENT SYSTEM FUNDING AND ADMINISTRATION ACT**.

The House amended, approved, and sent the Senate **H.3041**, a bill **ENHANCING CRIMINAL BACKGROUND CHECK REQUIREMENTS FOR REAL ESTATE LICENSURE**. The legislation expands criminal background check requirements for Real Estate Commission licensure, by requiring fingerprint-based screening and by requiring these background checks not only for initial licensures but also for licensure renewals under a six-year cycle that requires screening with every third renewal.

The House amended, approved, and sent the Senate **H.3038**, a bill making provisions for the **LICENSURE AND REGULATION OF LOCKSMITHS**. The legislation creates the Board of Locksmiths and provides for its composition, function, and duties. The legislation requires applicants for licensure to satisfy certain criteria, complete testing requirements, and submit to state and national criminal background records checks.

The House amended, approved, and sent the Senate **H.3886**, a bill enacting the **“SOUTH CAROLINA HOMEOWNERS ASSOCIATION ACT”** to establish new provisions governing the operation of homeowners associations. In order to be enforceable, a declaration or other governing document of a homeowners association must be recorded in the local clerk of court’s or register of deeds office so that these documents are accessible to the public as matters of public record. The legislation establishes a new requirement for disclosing to potential owners whether a property is subject to the governance of a homeowners association and how copies of HOA governing documents may be obtained. A homeowners’ association is required to provide at least forty‑eight hours’ notice to homeowners before a meeting to take action to increase an annual budget. The legislation clarifies that the magistrates court has concurrent jurisdiction to adjudicate certain monetary disputes between homeowners associations and homeowners. An Office of Homeowners Association Ombudsman is created within the Department of Consumer Affairs to receive complaints, provide information about the roles, rights, and responsibilities of the various parties, and assist with meetings, mediations, or other forms of alternative dispute resolution. The ombudsman is required to make an annual report to the General Assembly that includes statistics on complaints received and any recommended changes to state law that would improve HOA regulation.

The House approved and sent the Senate **H.3789**, the **“SOUTH CAROLINA YOUTH CHALLENGE ACADEMY AND SOUTH CAROLINA JOBS CHALLENGE PROGRAM EXPUNGEMENT ACT”**. The legislation affords eligible youthful offenders who successfully complete military and job training programs the opportunity of having nonviolent criminal offenses expunged from their records.

The House amended, approved, and sent the Senate **H.3055**, a bill establishing a temporary legislative **RESTORATIVE JUSTICE STUDY COMMITTEE** to review state juvenile justice laws and make recommendations, including a proposed pilot program, to facilitate and encourage diversion of juveniles away from the juvenile justice system and towards restorative justice practices that emphasize repairing the harm caused to victims and the community by offenses, including victim initiated victim‑offender conferences, family group conferences, circles, community conferences, and other similar victim‑centered practices. The study committee is charged with making its report to the General Assembly by March 1, 2018, at which time the study committee dissolved.

The House amended, approved, and sent the Senate **H.3125**, the **“SAFE CHILDREN’S ACT”**, which codifies a comprehensive set of best practices for Department of Social Services protocol and interventions in cases of suspected child abuse or neglect.

The House approved and sent the Senate **H.3215**, a bill creating the criminal offense of **IMPERSONATING A LAWYER**. The legislation provides for graduated penalties for violations, ranging from misdemeanors for initial violations to felonies for certain subsequent violations.

The House amended, approved, and sent the Senate to **H.4003**, a bill enacting the **“SOUTH CAROLINA PRODUCE SAFETY ACT”**, to affordthe South Carolina Department of Agriculture authority to oversee a new federal safety standards program applicable to certain farm produce. The program ensures that large farmers are handling and packaging produce in accordance with these national food safety standards. This legislation affects farms with an average annual monetary value of produce sold during the previous three‑year period of more than twenty‑five thousand dollars on a continuing basis. The program is federally funded and would discontinue if federal funds were to terminate.

The House approved and sent the Senate **H.3817**, a bill that provides for **MORE EXPANSIVE** **LAW ENFORCEMENT CONTROLLED SUBSTANCE TAKE‑BACK PROGRAMS** by allowing pharmacies and certain others to register as collection centers for unused prescription drugs as a means of preventing substance abuse by keeping opioids and other dangerous prescription drugs out of the wrong hands.

The House approved and sent the Senate **H.4048**, a bill requiring the Department of Health and Human Services to issue, pursuant to its Medicaid Home and Community‑based waiver, **PERSONAL EMERGENCY RESPONSE SYSTEMS (PERS) DEVICES** to Medicaid recipients that include, in addition to emergency response services, unlimited twenty‑four hour, seven‑day a week live phone contact with experienced registered nurses for triage services.

The House amended, approved, and sent the Senate **H.3885**, a bill providing clarifications and **ENHANCEMENTS FOR THE** **LEWIS BLACKMAN HOSPITAL PATIENT SAFETY ACT** requirements for health care practitioners to wear badges that allow patients and family members to identify them by name and professional capacity.

The House approved and sent the Senate to **H.3428**, a bill revising provisions governing **“DO NOT RESUSCITATE” ORDERS** to allow a parent or legal guardian to request a do not resuscitate order for emergency services for a child under 18 years old who has a terminal condition. Provisions are also including for revoking such a DNR order.

The House approved and sent the Senate **H.3450**, legislation enacting the **“ELECTROLOGY PRACTICE ACT”** to provide for the licensure and regulation of electrologists and electrology instructors through an Electrology Licensure Committee established under the Board of Medical Examiners. The legislation is offered as a means of ensuring minimum standards of competency for those who practice or offer instruction in electrology, which involves the permanent removal of hair from the skin through the application of an electric current.

The House amended, approved, and sent the Senate **H.3417**, a bill providing authorization for **MOBILE BARBERSHOPS** that can be transported from one location to another and offer temporary portable barber operations in such settings as a client’s home or a nursing home. The legislation makes provisions for mobile barbershop permitting and regulation by the State Barber Board and subjects mobile barbershops to all state and local laws, regulations, and ordinances pertaining to the practice of barbering.

The House amended, approved, and sent the Senate **H.3867**, a bill revising an **AFFORDABLE HOUSING PROPERTY TAX EXEMPTION** to exempt all property devoted to housing low income residents if the property is owned by an instrumentality of a nonprofit housing corporation.

The House amended, approved, and sent the Senate **H.3150**, a bill addressing **MUNICIPAL ELECTIONS**. The legislation requires municipal elections be held on the first Tuesday following the first Monday in November in each even‑numbered year, the same time when general elections for federal, state, county officers must be held. The legislation establishes a new Uniform Election Procedures Act to apply to municipal elections. The legislation requires that general elections be held for uncontested municipal races by eliminating an exception that currently allows a general election not to be conducted to fill a municipal office when only one person has filed for the office and no one has filed a declaration to be a write‑in candidate.

The House amended, approved, and sent the Senate **H.3685**, a bill **REVISING SPECIAL ELECTIONS DATES**, so that the state’s calendar for setting those special election dates will allow for compliance with the requirements of the South Carolina Uniform Military and Overseas Voters Act.

The House approved and sent the Senate **H.3428**, a bill requiring the Director of the Division of Veterans’ Affairs to receive and respond to **VETERANS’ COMPLAINTS REGARDING COUNTY VETERANS’ AFFAIRS OFFICERS**. The Director shall forward the complaint along with his recommendation for discipline, including the possible removal of the county veterans’ affairs officer in question, to the appropriate legislative delegation for its consideration and final determination.

The House approved and sent the Senate **H.3898**, a bill revising the **INFORMATION THAT MAY DISCLOSED ABOUT ADOPTEES**, biological parents, and biological siblings so that the provisions also apply to biological grandparents.

The House amended, approved, and sent the Senate **H.3440**, a bill enacting House Legislative Oversight Committee recommendations for updating qualifications for the visually impaired members of the **SOUTH CAROLINA COMMISSION FOR THE BLIND**.

The House approved and sent the Senate **H.3804**, a bill revising **FIFTH WHEEL TOWING RESTRICTIONS** to allow recreational vehicles to tow golf carts and certain other vehicles on the state’s roads. The legislation provides authorization for pick-up trucks, with features commonly referred to as ‘fifth wheels,’ to be limited to towing one trailing vehicle. Their maximum combined overall length is set at 75 feet.

The House amended, approved, and sent the Senate **H.3601**, a bill revising **BEAR HUNTING IN GAME ZONE 4** by replacing the current lottery system for issuing bear tags.

The House approved and sent the Senate **H.3743**, a bill authorizing the Department of Motor Vehicles to issue **“POWERING THE PALMETTO STATE” SPECIAL LICENSE PLATES** honoring South Carolina’s electrical linemen.

**HOUSE COMMITTEE ACTION**

**EDUCATION AND PUBLIC WORKS**

House Education and Public Works met March 30 and reported out eight bills.

The Committee amended and adopted **H.3821** regarding mandatory course work on the prescription and monitoring of **CONTROLLED SUBSTANCES**. The bill requires public and private institutions of higher education offering degrees in a health care profession that allows graduates to prescribe controlled substances listed in Schedules II, III, and IV to develop mandatory course work on the prescription and monitoring of controlled substances, including Schedule II drugs used to treat or manage pain. The amended bill also requires coursework to include instruction on strategies to recognize and reduce the likelihood of patient addiction.

The Committee passed out **H.3933** which requires the Department of Motor Vehicles to issue two **ADDITIONAL DEALER LICENSE PLATES** to motor vehicle dealers that have a full-service dealership of new or used vehicles. The two additional plates are in addition to the number of plates that a dealer currently receives. The dealer must be able to demonstrate the presence of a service garage at the dealership.

The Committee amended and passed out **H.3945** which requires that all public school buses manufactured after July 1, 2020, must be equipped with integrated three-point harness **BUS SEAT BELTS** for each passenger. This requirement does not apply to public school buses leased, owned, or otherwise furnished by the State Department of Education before July 1, 2020 and which continue in such use after that date.

The Committee passed **H.3971** regarding **AUTOCYCLES**. The bill replaces the term “automotive three-wheel vehicle” with “autocycle” under the definition of a motor vehicle to conform with standard manufacturers definitions and to standardize the term across states. Additionally, the bill deletes subsequent references and definitions of automotive three-wheel vehicle and motorcycle three-wheel vehicles. These changes replace the term automotive three-wheel vehicle with autocycle and remove unnecessary additional references to these specific subcategories of motor vehicles but do not impact the licensing, titling, and registration requirements of autocycles or motorcycle three-wheel vehicles.

The Committee passed **H.3297** regarding **NATIONAL GUARD VETERAN'S DESIGNATION**. The bill allows the Department of Motor Vehicles to issue a driver's license with a veteran's designation to a qualifying member of the National Guard.

The Committee amended and passed **H.3615**, the **DYLAN PAUL MITCHELL BICYCLE AND PEDESTRIAN SAFETY ACT**, which amends various code sections related to pedestrian and bicyclist safety. It provides definitions and requirements for drivers. It also relates to pedestrian crossings and pedestrians’ rights of way. The bill adds that a driver who fails to yield to a vulnerable road user (the definition of which includes a pedestrian, a person propelling a human-powered vehicle, a bicycle, a wheelchair, or a personal mobility device) is guilty of a misdemeanor and must be required to successfully complete the National Safety Council's Defensive Driving Course or its equivalent within six months after the conviction.

The Committee amended and passed **H.3271**, **AGENCY REFERENCE CHANGES**. The bill amends various and numerous code sections to provide that the Division of Motor Vehicles, instead of the Comptroller General, place certain funds the Division of Motor Vehicles collects into specified accounts.

The Committee amended and passed out **H.3969**, **SCHOOL PERFORMANCE RATINGS**. Seeking to eliminate the confusion and duplication caused by two reporting systems (federal and state) (and per Education staff notes), the General Assembly, via Act 200 of 2014, required the Education Oversight Committee (EOC) to develop and recommend a single accountability system that met both state and federal requirements. EOC, working with the State Department of Education (SDE) and other stakeholders, submitted recommendations for updating the EAA to the General Assembly in January of this year. House bill **3969** creates one report card with one overall rating for school performance that incorporates both state and federal requirements. The terms for school ratings remain the same: Excellent, Good, Average, Below Average, and At-Risk. A definition for each rating is added to the Act. School performance ratings will include more than just academic performance, and districts will no longer receive a performance rating (i.e. a composite score of all schools in a district). The bill retains the annual November 1 deadline for SDE to produce an executive summary of the report card for all schools and districts, but clarifies that it must be published on their website instead of merely “issued” as is currently required. A longitudinal data system is established in order to better assist with policy and fiscal decisions ranging from pre-kindergarten to college. The Revenue and Fiscal Affairs Office, First Steps, SDE, the Commission on Higher Education, DSS, the Technical College System, the Department of Commerce, the Department of Employment and Workforce, and other state agencies and colleges must work on establishing and maintain the system. State summative assessments for Science and Social Studies in grades four through eight are reduced. Social Studies will be tested in grades five and seven, and Science will be assessed in grades four, six and eight. The bill adds administration of an international test (PISA) for comparison purposes, beginning in the Fall of 2020. The EOC, working with SDE, must design and pilot accountability models that focus on competency-based education. Districts may apply to EOC and the State Board of Education if they wish to participate in the pilot. Where appropriate, the bill incorporate references to the Profile of the South Carolina Graduate. References to No Child Left Behind are removed, and, where needed, more generic references to federal law are added.

**JUDICIARY**

The House Judiciary Committee met Tuesday, March 28, 2017, and passed out nine bills:

The full committee gave a favorable recommendation, with amendments, to **H.3209** **RETROACTIVE EXPUNGEMENTS*.*** Eligibility for expungements for offenses that are no longer crimes could still be available to offenders if the elements of the former criminal offenses are consistent with current-day offenses. Clarifies that these expungements apply retroactively as well as to out-of-state convictions.

They also gave a favorable recommendation of **H.3290** **UNIFORM TRAFFIC TICKET PLEAS** to authorize law enforcement officers --along with anyone else authorized to prosecute these offenses-- to issue a uniform traffic ticket for a different offense as part of any plea agreement.

The full committee gave a favorable recommendation of **H.3549** **ON-PREMISES ALCOHOL CONSUMPTION LICENSING CONSENTS*.*** When a license application is made for on-premises liquor consumption in bars, saloons, taverns, taprooms, and other such venues, and their proposed location will be close to a church, school, or playground, then the decision-making bodies, or owners, of the church, school, or playground, must first issue their written statements that they have no objection to these liquor licenses being issued.

They voted for a favorable recommendation of **H.3789 SOUTH CAROLINA YOUTH CHALLENGE ACADEMY AND SOUTH CAROLINA JOBS CHALLENGE PROGRAM EXPUNGEMENT ACT**whichallows criminal record expungements for successful graduates of these programs. Adds to the approved list, the SC Youth Challenge Academy director as someone who is allowed to attest to any successful graduate’s eligibility.

It gave a favorable recommendation of **H.3817 CONTROLLED SUBSTANCE COLLECTIONS/RETURNS*.*** Allows pharmacies, distributors, manufacturers, reverse distributors, and narcotic treatment programs to register as collectors. They will be allowed to receive unused prescription medications, and other controlled substances, as part of any law enforcement controlled substance programs commonly known as ‘take-back,’ ‘mail-back,’ or similar events. Requires the SC Department of Health and Environmental Control to facilitate registration and participation in these events and programs.

The full committee gave a favorable recommendation, with amendments, to **H.3823 EXPOSING INFANTS OR FETUSES TO ILLEGAL DRUGS*.*** It would require health professionals to report when children, from birth to one year, are being exposed to controlled or illegal substances. Also requires reporting any child, from birth to one year, who is diagnosed with neonatal abstinence syndrome or fetal alcohol spectrum disorder. The report must be made whether or not the exposure constitutes child abuse or neglect. However, these reports do not create any presumptions that child abuse or neglect has taken place. The reporter may assist DSS in developing a safety plan for these children and their caregivers.

They also gave a favorable recommendation of **H.3864 CHILD SAFETY SEATS*.***

Revises the age, weight, and position of children who must be secured in approved motor vehicle child safety seats. Children will have to use these seats until they are at least 8 years old, 57 inches tall, and appropriately fit in seat belts designed for adults.

The entire committee gave a favorable recommendation, with amendments, to **H.3865 SOUTH CAROLINA PREGNANCY ACCOMMODATIONS ACT*.*** Revises definitions of “because of sex” and “on the basis of sex” when used in the context of equal treatment for woman affected by pregnancy, childbirth, and other related medical conditions. Unlawful employment practices will include failing to make reasonable accommodations for, not giving appropriate notice to, taking retaliatory action against, or denying employment to anyone who has limitations due to medical needs arising from pregnancy, childbirth, or other related medical conditions. Allows exemptions to employers who can show undue business operation hardships if required to comply with this Act. Our South Carolina Human Affairs Commission would be tasked with developing regulations that will set out appropriate accommodations for these employees.

They favorably recommended **H.3898 ADOPTEE ACCESS TO INFORMATION ABOUT BIOLOGICAL SIBLINGS AND GRANDPARENTS*.*** This bill authorizes adoption agencies, following preset procedures and meeting certain prerequisites, to release specific information to adoptees about their biological siblings and biological grandparents. Under current law, information about adoptive parents and biological parents is allowed to be provided to adoptees. These adoption agencies would have to provide advance counseling to all interested parties on the effects of disclosing this information prior to turning it over to adoptees.

**MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS**

The full Medical, Military, Public and Municipal Affairs Committee met on Wednesday, March 29, 2017, and reported out two bills.

The committee gave a favorable with an amendment report to **H.3790**, a bill which creates a uniform definition for **Autism Spectrum Disorder (ASD**) under the South Carolina Intellectual Disability, Related Disabilities, Head Injuries, and Spinal Cord Injuries Act. The bill outlines that autism spectrum disorder means autism spectrum disorder as defined by the most recent publication of the Diagnostic and Statistical Manual of Mental Disorders (DSM) or a pervasive developmental disorder as defined in any previous edition of the DSM.

**H.3824**, legislation dealing with the **PRESCRIPTION DRUG MONITORING PROGRAM** was given a favorable with an amendment recommendation by the committee. The legislation requires a health care practitioner, or the practitioner’s delegate, to review a patient’s controlled substance prescription history in the prescription monitoring program before issuing a Schedule II prescription. If a delegate reviews a patient’s controlled substance prescription history, the practitioner must consult with the delegate before issuing a prescription for a Schedule II controlled substance. As a result, this consultation must be documented in the patient’s medical record.

The legislation outlines that the controlled substance prescription history review will not be required if the Schedule II prescription is for less than a five day supply or for the administration of the drug by a health care provider. No review is required for patients who are hospice-certified, or who reside in a skilled nursing facility, nursing home, community residential care facility, or an assisted living facility in which medications are provided and monitored. No review is required if the practitioner has an established relationship with the patient for the treatment of chronic condition; however, the practitioner must review the patient's controlled substance history maintained in the prescription monitoring program at least every three months. In addition, no review is required in an emergency situation where the practitioner cannot access the prescription monitoring program quickly enough and the patient must have the drug. However, the crucial circumstances and the potential adverse impact to the patient if the prescription is not issued timely must be documented in the patient’s medical record.

The legislation also outlines that physicians, physician assistants, dentists, optometrists, and podiatrists who are legally authorized to prescribe controlled substances will be required to complete at least two hours of continuing education every two years related to approved procedures of prescribing and monitoring Schedules II - IV drugs. Pharmacists also will be required to take at least two hours continuing education related to drugs in Schedules II - IV every two years.

A violation of the prescription monitoring review and consultation requirements before issuing a Schedule II prescription must be reported to a practitioner’s licensing board (Board of Medical Examiners, Board of Dentistry, Board of Podiatric Examiners, or Board of Optometry) for disciplinary action.

**WAYS AND MEANS**

The Ways and Means Committee met on Tuesday, March 28, and reported out several bills.

The committee reported out **H.3722**, a **STATE CAPITAL IMPROVEMENTS BOND BILL**, as a committee bill. The legislation authorizes the issuance of state general obligation bonds for $498 million in repair projects and capital improvement needs at state agencies and institutions of higher learning including: $30 million to the Department of Education for school buses; $9.5 million to the Department of Alcohol and Other Drug Abuse Services for deferred maintenance at behavioral health facilities; $14.2 million to the Department of Mental Health for refurbishing mental health centers; $2.6 million to the Department of Natural Resources for marine facilities renovations; $7.4 million for maintenance at DNR fish hatcheries; $6.1 million to the Department of Corrections for buildings maintenance; $3.8 million for deferred maintenance at the Department of Juvenile Justice; $25 million to the Department of Commerce for adding or repairing such infrastructure as water and sewer lines needed to support economic development; $10 million to the State Ports Authority for terminal renovations; $16.2 million to the Department of Transportation for highway rest area renovations; $3.5 million to the Department of Labor, Licensing and Regulation for Fire Academy facilities; $80 million to the Department of Administration for state building maintenance; $15 million to the Adjutant General for renovations at the state’s armories; $10 million to the Department of Parks, Recreation, and Tourism for welcome centers renovations; $11 million for maintenance at state parks; $3 million for information technology needs at the Judicial Department in updating the statewide Court Case Management System; and, deferred maintenance projects at the state’s colleges, universities, and technical schools for various repairs to buildings and refurbishment of facilities.

The committee gave a favorable report on **H.3895**, a bill updating and clarifying the duties of the **REVENUE AND FISCAL AFFAIRS OFFICE**.

The committee gave a report of favorable with amendments on **H.3744**, a bill revising **MAGISTRATE COMPENSATION**. The legislation establishes a base salary for magistrates of fifty‑five percent of a circuit judge’s salary and makes provisions for additional salary supplements for chief and associate chief magistrates. The legislation adds an assessment of fifteen dollars to all civil filings in magistrates court to provide funding for the revised magistrate compensation schedule, training for magistrates, and other support for magistrates courts.

The committee gave a report of favorable with amendments on **H.3566**, a bill establishing **CONDITIONS UPON WHICH SCHOOL FIRST RESPONDERS MAY** **POSSESS FIREARMS ON SCHOOL PREMISES** while rendering aid in crisis situations. The legislation makes provisions for the Law Enforcement Training Council to develop guidelines for a one‑week training program offered by the Criminal Justice Academy to school first responders that, along with a valid concealed weapons permit, certifies them to possess firearms on school premises while they are responding to a campus shooting or other emergencies.

The committee gave a favorable report on **H.3093**, a bill making provisions for a **RETENTION OF THE OWNER-OCCUPIED SPECIAL PROPERTY TAX ASSESSMENT RATE FOR A DECEASED INDIVIDUAL’S ESTATE**. The legislation provides that when a homeowner receiving the four percent property tax assessment ratio dies, the property shall continue to receive the special owner-occupied assessment rate until the deceased’s estate is closed, or upon recording of a deed or deed of distribution out of the estate, whichever occurs first. This extension of the special assessment rate only applies if the property is not rented.

The committee gave a report of favorable with amendments on Senate **H.3867**, a bill revising an **AFFORDABLE HOUSING PROPERTY TAX EXEMPTION** to exempt all property devoted to housing low income residents if the property is owned by an instrumentality of a nonprofit housing corporation.

**BILLS INTRODUCED IN THE**

**HOUSE THIS WEEK**

**EDUCATION AND PUBLIC WORKS**

**H.4053 *CONTINUOUS PRIMARY MODULES* Rep. Mack**

This joint resolution establishes, beginning with the 2018‑2019 school year, a six‑year pilot program in nine specific school districts to implement and monitor continuous primary modules for use instead of grades one through three.

**H.4078 *MILITARY PRIORITY REGISTRATION ACT* Rep. Huggins**

This bill enacts the “Military Priority Registration Act” so as to provide priority course enrollment for military‑related students.

**H.4079 *TITLE IX NOTIFICATION ACT* Rep. Huggins**

This bill enacts the “Title IX Notification Act” so as to provide that institutions of higher learning that receive federal funds shall indicate the existence of affirmative findings of student violations of Title IX and related punishments resulting from disciplinary proceedings conducted by the institution on student transcripts for five years after graduation or withdrawal from the institution, and to require certain notification to institutions to which students seek to transfer or pursue graduate studies while disciplinary proceedings are underway, among other things.

**S.201 *REAL ID* Sen. McElveen**

This bill seeks compliance with the requirements of the federal Real ID Act of 2005.

**S.444 *AUTOCYCLES* Sen. Grooms**

This bill changes “automotive three‑wheel vehicle” to “autocycle” and provides the definition and updates references to the definition.

**JUDICIARY**

**S.115 *RESPONSIBLE ALCOHOL SERVER TRAINING ACT* Sen. Rankin**

Establishes comprehensive mandatory training and education for alcohol servers. The Department of Revenue is responsible for approving these training programs. This proposed legislation also directs the Department of Revenue, State Law Enforcement Division, SC Department of Alcohol and Other Drug Abuse Services, as well as other state and local agencies to work together to enforce this training requirement. Sets fines and penalties for violations, including server education certificate suspensions after conviction for any violations.

**S.271 *INMATE FUNERAL ATTENDANCE* Sen. Allen**

Allows an inmate, who has been deemed a non-security threat, a choice of attending the funeral of specified deceased family members or visiting specified hospitalized family members in danger of imminent death. These visits must take place in South Carolina.

**S.275 *BREWERY AND BREWPUB PERMITS* Sen. Bennett**

A brewery, with SC DHEC-approved food service areas on its premises, could apply for a permit to sell alcoholic liquor by the drink in that food service area only, and under certain conditions. Also, this proposed legislation would allow a brewpub to apply for a brewery permit, if certain preconditions are met.

**S.325 *PROTECTIONS FOR PEOPLE WITH DISABILITIES* Sen. Sheheen**

Provides protection and advocacy for citizens with developmental disabilities through the state nonprofit entity known as People with Disabilities Inc., previously known as the South Carolina Protection and Advocacy System for the Handicapped.

**H.4064 *MUNICIPAL ANNEXATIONS* Rep. McCoy**

Clarifies the meaning of “contiguous” for a municipality that is located within the borders of a special purpose district. Spells out how it will be able to annex unincorporated property located within that special purpose district.

**H.4066 *BIENNIAL STATE GENERAL APPROPRIATIONS ACT* Rep. Elliott**

Would establish a Biennial State General Appropriations process. Also allows the General Assembly *sine die* adjournment date to be extended under certain circumstances. The General Assembly would begin this new budgeting approach in the 2019 General Assembly Session, and then renew it in odd-numbered years thereafter.

**H.4068 *RESPONSIBLE ALCOHOL SERVER TRAINING ACT* Rep. Herbkersman**

This bill represents the House version of S.115. Proposes the Responsible Alcohol Server Training Act. No one could work as an alcohol server or manager, on any permitted licensed premises, until an alcohol server certificate is obtained within 60 days of their employment. Fees for obtaining this certificate will be put in the Responsible Alcohol Server Training Fund. Establishes a graduated scale of fines and penalties for violations.

**H.4076 *MUNICIPAL ANNEXATIONS IN SPECIAL PURPOSE UTILITY DISTRICTS* Rep. McCoy**

Set out methods for cities that do not operate electric utilities as of the date this bill is enacted, to annex property into their city limits that is also part of a special purpose district.

**LABOR, COMMERCE AND INDUSTRY**

**S.9 *MEDICAL EXPENSE POLICIES* Sen. Hutto**

This bill provides that the optional intoxicants and narcotics exclusion provision contained in certain insurance policies that require the replication of exact language as provided in Section 38‑71‑370 does not apply to a medical expense policy. The legislation defines “medical expense policy”.

**S.261 *“SOUTH CAROLINA COMMERCIAL-PROPERTY ASSESSED CLEAN***

***ENERGY ACT”* Sen. Alexander**

This bill enacts the “South Carolina Commercial-Property Assessed Clean Energy Act” (C-PACE) to provide that governing bodies may establish a district by adoption of an ordinance for the purpose of promoting, encouraging, and facilitating clean energy improvements within its geographic area. The legislation provides that members of the district and owners of qualifying real property may voluntarily execute a written agreement to participate in the commercial‑property assessed clean energy program. The legislation provides that the governing body has the authority to impose an assessment on the qualifying real property, and provides that the assessment shall constitute a C‑PACE lien against the qualifying real property until paid, subject to the consent of existing mortgagees. The legislation makes provisions for how clean energy improvements may be financed and requires clean energy improvements to meet all applicable safety, performance, interconnection, and reliability standards.

**H.4070 *PRIMACY OF AN INSURANCE POLICY COVERING THE OPERATOR***

***OF A RENTED OR LEASED MOTOR VEHICLE* Rep. Finlay**

This bill provides that an insurance policy that covers a person who operates a rented or leased motor vehicle, regardless of the limitations or exclusions in the operator’s policy, is primary to a motor vehicle insurance policy in which a named insured is a motor vehicle rental company or affiliate of such company, a qualified self‑insurer, and a bond posted by a rental company or affiliate of such company, for financial responsibility compliance purposes.

**MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS**

**H.4075 *ON-STREET PARKING PRIVILEGES FOR RESIDENTS OF A MUNICIPALITY***

**Rep. Johnson**

Any ordinance, resolution, or regulation of any municipality regarding on-street parking privileges for residents of a municipality that are not available on the same terms to nonresidents of the municipality of that county must be approved only by the General Assembly. This section supersedes and preempts any ordinance enacted by a municipality that purports to grant residents of the municipality on-street parking privileges that are not available on the same terms to nonresidents of the municipality of that county.

**WAYS AND MEANS**

**S.354 *DEPARTMENT OF MENTAL HEALTH CRISIS STABILIZATION UNIT***

***FACILITIES* Sen. Alexander**

This bill makes provisions for Department of Mental Health Crisis Stabilization Unit Facilitieswhere individuals entering hospital emergency rooms suffering from mental illness or substance abuse issues may be transferred to begin receiving appropriate care.

**H.4065 *ALTERNATIVE FUEL VEHICLE INCOME TAX CREDITS* Rep. Simrill**

This bill makes provisions for an income tax credit for the incremental costs or conversion costs of the amount expended to purchase or convert an alternative fuel heavy‑duty vehicle, alternative fuel vehicle, and a bi‑fuel alternative fuel vehicle.

**H.4077 *“EDUCATIONAL CREDIT FOR EXCEPTIONAL NEEDS CHILDREN’S***

***FUND”* Rep. G. R. Smith**

This bill creates the “Educational Credit for Exceptional Needs Children’s Fund”, to provide tuition grants that allow exceptional needs students to attend private schools offering programs geared towards their educational needs. The legislation makes provisions for an income tax credit for contributions to the fund and for tuition payments made to an eligible school for an exceptional needs child within the taxpayer’s custody or care.

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