**Vol. 34 May 2, 2017 No. 16**

**CONTENTS**

**HOUSE WEEK IN REVIEW 02**

**HOUSE COMMITTEE ACTION 04**

**BILLS INTRODUCED IN THE HOUSE THIS WEEK 09**

***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.3221** and enrolled the bill for ratification. The legislation establishes a statewide program for **ADDRESSING UNSOUND SCHOOL DISTRICT FINANCES** which affords the State Department of Education authority that extends beyond academic matters to include fiscal affairs. Under the legislation, the State Department of Education is to work with district superintendents and finance officers to develop and adopt a statewide program with guidelines for: (1) identifying fiscal practices and budgetary conditions that, if uncorrected, could compromise the fiscal integrity of a school district; and (2) advising districts that demonstrate these financial problems on the corrective actions that should be taken. The department must establish three escalating levels of fiscal and budgetary concern so that the State Superintendent of Education can declare a ‘fiscal watch’, a ‘fiscal caution’, and a ‘fiscal emergency’ with regard to school district finances. The succeeding levels of budgetary concern carry increasingly stringent requirements for school district recovery plans, audits, and inspections as well as more intensive technical support from the state department. Should a school district’s finances warrant the most severe level of concern prompting the State Superintendent of Education to declare a ‘fiscal emergency’, the State Department of Education is authorized to take intensive steps including assuming control over the district’s financial operations to preclude a default on any type of debt and prevent further decline in the district’s finances. These provisions also apply to the statewide charter school district and a variation of these fiscal accountability measures applies to special schools where a state agency operates as a Local Education Agency, such as the educational programs of the Department of Juvenile Justice, the Wil Lou Gray Opportunity School, and the Governor’s Schools.

The House approved **S.617** and enrolled the bill for ratification. The legislation provides authorization for the Department of Motor Vehicles to issue **“UNIVERSITY OF SOUTH CAROLINA 2017 WOMEN’S BASKETBALL NATIONAL CHAMPIONS” SPECIAL LICENSE PLATES**.

The House approved **S.415** and enrolled the bill for ratification. The legislation provides for comprehensive **PROBATE COURT REVISIONS** to bring greater statewide uniformity to the probate process, reduce costs for filing probate actions, and enhance protections for the disabled, such as allowing for the appointment of a limited guardian when an incapacitated individual is capable of managing most of their affairs.

The House approved **S.342**, relating to **LEGAL IMMUNITY FOR SURVEYORS VOLUNTEERING DURING EMERGENCIES**, and enrolled the bill for ratification. The legislation establishes conditions for affording surveyors immunity from legal liability while volunteering their services during natural disasters and other declared state or national emergencies.

The House amended, approved, and sent the Senate **H.3790**, a bill enacting **“RYAN’S LAW”** to provide for **MORE EXPANSIVE HEALTH INSURANCE COVERAGE REQUIREMENTS FOR THE TREATMENT OF AUTISM**. The legislation expands requirements for health insurers to provide coverage for autism spectrum disorder treatments so that these requirements apply not only to the State Health Plan and larger group health insurance plans, but also to health insurance policies for small employers and individuals. Coverage requirements are also revised to eliminate the maximum yearly dollar amount imposed on coverage benefits for behavioral therapy and to remove eligibility restrictions that limit required coverage to individuals who are under sixteen years of age who have been diagnosed with autistic spectrum disorder at age eight or younger. The definition “autism spectrum disorder” within these insurance provisions is revised so that it 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. This definition of “autism spectrum disorder” is also included in the "South Carolina Intellectual Disability, Related Disabilities, Head Injuries, and Spinal Cord Injuries Act" which governs treatment services offered through the South Carolina Department of Disabilities and Special Needs.

The House returned **S.344** to the Senate with amendments. The legislation allows for the option of including an **AUTISM DESIGNATION ON DRIVER’S LICENSES** and special identification cards by establishing a process for someone to voluntarily disclose a medical diagnosis of autism to the Department of Motor Vehicles and provide documentation from a licensed physician in order to have a symbol included on these identification cards. These provisions allowing an autism symbol to be included on I.D. cards are offered to reduce the likelihood of law enforcement officers misinterpreting movements and behavior during traffic stops and other interactions.

The House amended Senate amendments to **H.3720**, the General Appropriation Bill, and **H.3721**, the joint resolution making appropriations from the Capital Reserve Fund, which together comprise the $26.9 billion **FISCAL YEAR 2017-2018 STATE GOVERNMENT BUDGET**. The version of the budget approved by the Senate differs from the House-approved version in certain notable areas, such as: a base student cost for K-12 public education set $35 higher; an alternate mechanism for providing some of the funding offered as the first phase in an effort to make the state’s pension systems financially sound; funding for an additional class of troopers; appropriations for the position of Director at the Department of Public Safety; funding for South Carolina’s compliance with federal REAL I.D. requirements; and, more expansive funding for the Conservation Bank. The budget legislation was amended, in large part, to return it to the version approved by the House earlier this year. The General Appropriation Bill was also amended to include the comprehensive **INFRASTRUCTURE FUNDING AND GOVERNANCE** measures approved by the House earlier this year in **H.3516**. The budget legislation was returned to the Senate with amendments.

The House approved and sent the Senate **H.3818**, a bill establishing certain **LEGAL IMMUNITY WHILE SEEKING MEDICAL ASSISTANCE FOR A DRUG OR ALCOHOL OVERDOSE** as a means of encouraging individuals to obtain life-saving treatment. The legislation establishes conditions under which someone is exempt from prosecution for certain drug and alcohol-related offenses while seeking medical attention for a drug or alcohol-related overdose or assisting someone else to obtain medical treatment for an overdose. The legislation establishes civil and criminal immunity for law enforcement officers who arrest anyone who is later found to be qualified for the limited immunity provisions of this legislation.

The House returned **S.480**, a bill addressing **DENMARK TECHNICAL COLLEGE GOVERNANCE**, to the Senate with amendments.The legislation makes provisions for all powers, duties, and obligations vested in the Denmark Technical College Area Commission to be devolved upon the State Board for Technical and Comprehensive Education, during the time period beginning May 1, 2017 and ending November 1, 2018. During this eighteen month period, the state board is required to provide quarterly status reports to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee concerning its actions to stabilize Denmark Technical College, including its operations, financial standing, and the recruitment and retention of students. The state board is also charged with studying the most effective, efficient delivery of technical college educational opportunities to Allendale, Bamberg, and Barnwell Counties and reporting its findings and recommendations to the Governor and the legislative budget-writing committees by February 1, 2018.

The House returned **S.200** to the Senate with amendments. The legislation establishes a process for billboard owners to follow that allows for the **RESTORATION OF AN OUTDOOR ADVERTISING SIGN DAMAGED BY VANDALISM**.

**HOUSE COMMITTEE ACTION**

AGRICULTURE, NATURAL RESOURCES AND

**ENVIRONMENTAL AFFAIRS**

The full Agriculture, Natural Resources and Environmental Affairs Committee met on Thursday, April 27, 2017, and reported out the following bills.

The full committee gave a favorable report to **S.465**, a bill which provides for additional license and permit requirements relating to **out of season shellfish harvesting** by shellfish mariculture permittees. Shellfish mariculture means the controlled cultivation of shellfish in confinement from seed size until harvest. The legislation states that a resident molluscan shellfish license is $10 and must apply ten days before removing shellfish.

The legislation further outlines that to obtain an individual harvesting permit, a person must be licensed commercial saltwater fisherman, hold commercial license and complete any shellfish training required by the Department of Health and Environmental Control. The legislation also provides for certain penalties related to shellfish harvesting.

The committee gave **S.570**, a bill concerning **NURSERY REGISTRATION FEES AND NURSERY DEALER FEES FOR THE SHIPMENT AND SALE OF TREES, PLANTS AND SHRUBS**, a favorable recommendation. The legislation clarifies definitions and improves language that is currently in Regulations. The legislation deletes registration fee for big stores (i.e., Lowe’s, Home Depot, Walmart, etc.) and improves fee schedule for turf grass growers.

**H.3929**, a bill dealing with the **PERMITTING OF** **CERTAIN AGRICULTURAL ANIMAL FACILITIES known as the “POULTRY BILL**”, was given a favorable with an amendment recommendation by the committee. In an effort to expand the poultry industry in this state, the legislation establishes setbacks, buffers and other specific requirements for the review and appeal of decisions by the Department of Environmental Control regarding the permitting of certain agricultural animal facilities, other than swine facilities. 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 outlines that affected person(s) challenging the process must be done individually and not collectively.

**S.443**, legislation dealing with a **NIGHT HUNTING PROGRAM REGISTRATION FOR ARMADILLOS, COYOTES, AND HOGS**, was given a favorable with an amendment report by the committee. In an effort to reduce the population of armadillos, coyotes and hogs, hunting properties and hunters must be register with Department of Natural Resources (DNR) to hunt these animals at night.

In order to assess the night hunting program, the person registering the property must report to DNR the number of feral hogs, coyotes, and armadillos taken within thirty days following the end of the twelve month registration period, or prior to registering the property again. Properties for which reports have not been submitted will not be registered again until such time that reports are submitted.

The legislation also states that night hunting with a firearm must be within three hundred yards of a residence and must receive permission from the occupant.

The legislation also outlines persons who have been convicted of night hunting for deer, bear, or turkey during the previous five years are not eligible to participate in night hunting for feral hogs, coyotes, or armadillos.

The committee gave a favorable report to **S.367**, **watercraft safety** legislation which increases the distance from 50 feet to 100 feet away from a dock in order to operate awatercraft at full speed.

**JUDICIARY**

The House Judiciary Committee met Tuesday, April 25, 2017, and reported out eleven bills:

The full committee gave a favorable recommendation, with amendments, to **S.107 JOINT GOVERNOR/LIEUTENANT GOVERNOR TICKET*.*** Beginning with the 2018 General Election, if the Lieutenant Governor resigns, or is removed from office, the Governor will appoint a successor, with the advice and consent of the Senate. Sets filing dates. Gubernatorial candidates will select their Lieutenant Governor running mate. The Governor would be responsible setting the duties and responsibilities of the Lieutenant Governor. Requires the Governor and Lieutenant Governor to be elected jointly. They will be considered as a single candidate regarding campaign contributions or establishing election committees. Revises contribution amounts for candidates, including statewide candidates and jointly elected candidates. Future contribution caps could be increased based on the changes in consumer price index. Revises statutory references from President *Pro Tempore* of the Senate to be Senate President instead. Beginning in 2018, when sufficient funds are available, the Agency Head Salary Commission will determine the salaries for all state constitutional officers, including the Governor, Lieutenant Governor, Secretary of State, Treasurer, Attorney General, Comptroller General, Superintendent of Education, Attorney General, and Agriculture Commissioner.

They voted for a favorable recommendation of[**S.173**](http://www.scstatehouse.gov/billsearch.php?billnumbers=173&session=122&summary=B) **CONTINUING MENTAL HEALTH EDUCATION FOR LAW ENFORCEMENT OFFICERS** that would require law enforcement officers, as part of their recertification over a three-year period, to complete continuing education credits in mental health, or addictive, disorders under a specified curriculum.

It also voted a favorable recommendation to **S.213 UNIVERSITY TRUSTEE SCREENING COMMISSION**, which proposes to create the College and University Trustee Screening Commission. It would consider candidates for trustees to state-supported colleges and universities, the Wil Lou Gray Opportunity Schools, and the Old Exchange Building Commission. Establishes qualifications for membership as well as procedures for investigating, nominating, and electing these trustees.

Also receiving a favorable report was **S.234 EMERGENCY MEDICAL SERVICES DATA**.Under this legislation, the identities of patients and emergency medical technicians, and the information and data collected by emergency medical services, are subject to being released when subpoenaed.

They gave a favorable recommendation, with amendments, to[**S.28**](http://www.scstatehouse.gov/billsearch.php?billnumbers=289&session=122&summary=B)**9 SOUTH CAROLINA CRIME VICTIM SERVICES ACT** that restructures and consolidates victim services operations. Consolidates crime victim grants and other victim funds in the Attorney General’s Office.

The full committee gave a favorable recommendation, with amendments, to[**S.334**](http://www.scstatehouse.gov/billsearch.php?billnumbers=334&session=122&summary=B) **ON-PREMISES ALCOHOL CONSUMPTION AT SPORTS ENTERTAINMENT COMPLEXES**Adds permits to allow purchasing and selling beer and wine for on-premises consumption at baseball complexes. Legalizes biennial licenses to sell alcoholic drinks at baseball complexes, too. Increases the total number of licenses that may be held by one licensee from 3 to 4 in 2018; from 4 to 5 in 2019, from 5 to 6 in 2021, from 6 to 8 in 2023, and from 8 to 9 in 2025. Also would permit liquor stores to sell condiments, mixers, beverage accessories, and cooling accessories.

The full committee gave a favorable recommendation to [**S.342**](http://www.scstatehouse.gov/billsearch.php?billnumbers=342&session=122&summary=B) **EMERGENCY SURVEYING IMMUNITY**which would extend the limited immunity currently enjoyed by engineers, with exceptions, to surveyors who volunteer their services during a declared state, or national, emergency.

They gave a favorable recommendation to [**S.**](http://www.scstatehouse.gov/billsearch.php?billnumbers=359&session=122&summary=B)**359 UNFAIR TRADE PRACTICES BY FUEL RETAILERS** that removes references to the Department of Consumer Affairs, However, it retains references to the Attorney General’s Office, and appropriate recordkeeping requirements, for motor fuel retailers selling below their actual cost, in state code sections related to unfair trade practices by motor fuel retailers.

The full committee gave a favorable recommendation of **H.3818** **DRUG OVERDOSE GOOD SAMARITANS.** Under it, limited immunity from prosecution would be extended to certain drug and alcohol-related offenses. This limited immunity would apply, under specified circumstances, to anyone who seeks medical assistance for another person who is experiencing a drug or alcohol-related overdose. It can also apply to anyone experiencing an overdose who seeks medical attention. Provides civil and criminal immunity for law enforcement officers who arrest anyone who is later found to be qualified for the limited immunity provisions of this legislation.

The full committee gave a favorable recommendation, with amendments, to [**H.3883**](http://www.scstatehouse.gov/billsearch.php?billnumbers=3883&session=122&summary=B) **PYRAMID PROMOTIONAL SCHEME PROHIBITION ACT.**This legislation modernizes South Carolina laws covering Ponzi, pyramid, and other such ‘plans’ or ‘operations’ and places them under our South Carolina Unfair Trade Practices Act [SCUTPA]. Entitles victims to seek the relief specified in this existing Act.

As a last item of business, it gave a favorable recommendation, with amendments, to [**H.4036**](http://www.scstatehouse.gov/billsearch.php?billnumbers=4036&session=122&summary=B) **LEGISLATIVE AUDIT COUNCIL AGENCY DEFINITIONS**which would expand current Legislative Audit Council audit responsibilities to include school districts, and sets deadlines for audits to be completed.

**LABOR, COMMERCE AND INDUSTRY**

The House Labor, Commerce and Industry Committee met on Thursday, April 27, and reported out several bills.

The committee gave a report of favorable with amendments on **S.254**, a bill enacting the **“OWN RISK AND SOLVENCY ASSESSMENT ACT”** to establish a framework that allows an insurer affiliated with a larger insurance group to maintain a risk management framework and conduct an Own Risk and Solvency Assessment (ORSA) of the relevant risks associated with their current business plan and the sufficiency of capital resources to support those risks.

The committee gave a favorable report on **S.315**, a bill that revises eligibility provisions for certain **GRANT PROGRAMS FOR PROACTIVE HAZARD MITIGATION** home upgrades and relief for residential property damaged by hurricanes, floods, and other disasters so as to provide for their distribution under a formula based on an applicant’s household income.

The committee gave a report of favorable with amendments on **S.9**, a bill **ELIMINATING THE MEDICAL EXPENSE INSURANCE POLICY EXCLUSION FOR INTOXICATION** so that insurers are not allowed to deny hospital, medical, and surgical expense coverage in accident and sickness insurance policies because the insured is intoxicated or impaired by alcohol or drugs. The legislation also makes provisions for **ELECTRONIC INSURANCE DOCUMENTS**, including authorization for insurers to deliver, store, or present evidence of insurance coverage by electronic means and provisions that afford consumers the option of receiving and signing notices and documents electronically.

The committee gave a favorable report on **S.279**, a bill enacting the **“APPRAISAL MANAGEMENT COMPANY REGISTRATION ACT”** to update and revise state laws governing appraisers so that they are in keeping with federal standards, including requirements for maintaining greater separation between those who determine appraised values of homes and the banks that extend loans based upon those appraised values.

The committee gave a favorable report on **S.321**, a bill that removes motor homes from automobile franchise provisions and instead provides for the separate regulation of manufacturers, distributors, and dealers of **RECREATIONAL VEHICLES**.

The committee gave a favorable report on **S.366**, a bill providing for **MORTGAGE LENDING ACT REVISIONS** to bring state law into conformity with federal standards.

**BILLS INTRODUCED IN THE**

**HOUSE THIS WEEK**

**EDUCATION AND PUBLIC WORKS**

**S.499 *DRIVER’S LICENSES* Sen. Malloy**

This bill relates to the identifying code affixed to the driver’s license of a person convicted of certain crimes, so as to remove the fifty dollar fee associated with placing the identifying code on a driver’s license.

**H.4184 *CITIZENSHIP* Rep. Elliott**

This bill, relating to the educational achievement goals for high school graduates and students, includes readiness to participate as a citizen in our constitutional republic as a key element in the profile of the South Carolina graduate.

**H.4200 *PLEDGE OF PARENTAL EXPECTATIONS* Rep. Huggins**

This bill relates to parent expectations in the “Parental Involvement in their Children’s Education Act”, so as to require that schools provide parents with a related pledge of parental expectations during annual registration beginning with the 2017‑2018 school year.

**H.4202 *INTERSCHOLASTIC ACTIVITIES* Rep. G. R. Smith**

This bill relates to participation in interscholastic activities of public school districts by home school, charter school, and Governor’s school students, so as to include private school students with individualized education programs, 504 plans, or individualized service plans, if the private school they attend does not offer the same activity.

**JUDICIARY**

**S.131 *DISTURBING SCHOOLS* Sen. McLeod**

Restructures disturbing schools criminal offenses to add a list of specific actions which constitute disturbing schools. Provides penalties for violations. Similar to H.3794.

**S.179 *DRUG USERS’ LIMITED IMMUNITY FROM PROSECUTION* Sen. Hutto**

Creates limited immunity for certain drug and alcohol-related offenses committed by anyone who seeks medical assistance for someone experiencing an overdose. Allows these reports to be mitigating factors in proceedings relating to other offenses. Gives civil and criminal immunity to law enforcement officers for arresting a person who is later granted this immunity. Similar to H.3818.

**S.199 *CAR OWNERS LIABILITY FOR CAR DRIVERS* Sen. Bryant**

Allows the Department of Public Safety to issue a civil penalty citation-- that is based on digitally recorded images-- to registered vehicle owners for vehicles violating the *Uniform Act Regulating Traffic on Highways*, even though the owner is not the offender. Provides appeal procedures.

**S.415 *PROBATE COURT REFORMS* Sen. Malloy**

Clarifies Probate Court authority to enforce penalties for contempt. Probate judges may waive filing fees for indigent persons. Also, clarifies probate court jurisdiction in matters involving the establishment, administration, or termination of a special needs trust for intellectually disabled individuals. Establishes that authorized notice can also be made by qualifying commercial delivery services. Promotes uniformity amongst our state’s forty-six probate courts. Similar to H.3511.

**S.448 *CHILD FATALITY REPORTS* Sen. Young**

Authorizes releasing information about fatalities or near-fatalities of children contained in child abuse and neglect records. This information disclosure can be delayed if it would cause a child, or a child’s family, to suffer threats to their safety or well-being.

**H.4126 *FAKE 911 CALLS* Rep. Pope**

Criminalizes improperly texting E911 services. This improper texting includes harassing dispatchers, disrupting emergency services, and making false reports.

**H.4130 *COMMITTEE CHAIRMAN TERM LIMITS* Rep. Arrington**

A joint resolution to amend our state constitution to prohibit any General Assembly member from serving as a committee chair in either the House or Senate if they have not already served on that committee during the preceding legislative session. Also, limits service as committee chair to twelve consecutive years.

**H.4154** ***PERSONAL INFORMATION FROM TELECOMMUNICATIONS***

***OR INTERNET USE*** **Rep. Stavrinakis**

Telecommunications or internet service providers could not collect customers’ personal information from their use of telecommunication or internet services, nor deny service to any customer who declines to share this information.

**H.4161 *REVISED GENERAL ASSEMBLY MEETING DAYS* Rep. Whipper**

Changes regular General Assembly meeting days from Tuesday, Wednesday, and Thursday -- with a local session on Friday-- to instead be Monday, Tuesday, and Wednesday-- with a local session to be held on Thursday. Allows exceptions to this general rule.

**WAYS AND MEANS**

**S.446 *INDUSTRY PARTNERSHIP FUND TAX CREDIT INCREASE***

**Sen. Leatherman**

This bill revises provisions governing the Industry Partnership Fund Tax Credit, so as to increase the aggregate annual credit amount to two hundred fifty thousand dollars for a single taxpayer, not to exceed an aggregate credit of twelve million dollars for all taxpayers. The legislation requires the South Carolina Research Authority to issue an annual report to the Chairman of the Senate Finance Committee, the Chairman of the House Ways and Means Committee, and the Governor detailing the amount contributed to the Industry Partnership Fund in the previous tax year that entitled the taxpayer to the credit, the taxpayers that received the credit, and expenditure of contributions. The report also must be posted in a conspicuous place on the SCRA website.

**H.4177 *TURNPIKE PROJECTS* Rep. Clemmons**

This bill revises provisions governing turnpike projects, addressing such issues as the collection of tolls on turnpike facilities, intergovernmental agreements to facilitate these road projects, and the issuance of turnpike bonds as special limited obligations of the State with principal and interest payable solely out of the turnpike facility revenues.

**H.4182 *“STATE INSTITUTION OF HIGHER EDUCATION ENTERPRISE ACT”***

**Rep. White**

This bill enacts the “State Institution of Higher Education Enterprise Act” to provide authority for the board of trustees of an institution of higher education to establish, by resolution, a distinct enterprise division as part of the college or university into which may be transferred duties, responsibilities, assets, personnel, and resources of, allocated to, or supporting athletic programs and functions, and auxiliary programs or functions, funded solely by funds not received from the general fund of the State or from undergraduate tuition, including those primarily related to economic development, research, housing, food services, stores, and athletics, with each constituting an enterprise activity. The legislation makes provisions for the enterprise division to be exempt from various state laws governing procurement, human resources, personnel, and the disposition of real and personal property, subject to certain exemptions. The legislation establishes provisions allowing bonds, notes, or other evidence of indebtedness to be issued for the enterprise division. The legislation establishes audit and reporting requirements.

**The *Legislative Update* is on the Worldwide Web. Visit the South Carolina General Assembly Home Page (http://www.scstatehouse.gov) and click on "*Publications*," then click on "*Legislative Updates*." This will list all of the *Legislative Updates* by date. Click on the date you need*.* Also available on the website is a bill summary index, where bills referenced in one or more issues of the *Legislative Update* are listed in numeric order. Links to the specific text of the *Legislative Update* issue are provided in the bill summary index.**

***NOTE: THE LEGISLATIVE UPDATE IS AVAILABLE TO LEGISLATIVE TRACKING SUBSCRIBERS. YOU MAY REGISTER FOR THIS FREE SERVICE ON THE SOUTH CAROLINA GENERAL ASSEMBLY HOME PAGE BY CLICKING ON "TRACK LEGISLATION" (ON THE VERTICAL MENU BAR).***