**Vol. 36 February 12, 2019 No. 06**

**CONTENTS**

**HOUSE WEEK IN REVIEW 02**

**HOUSE COMMITTEE ACTION 04**

**BILLS INTRODUCED IN THE HOUSE THIS WEEK 05**

***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 approved and sent the Senate **H.3420**, legislation **PREVENTING YOUTH ACCESS TO VAPING, CIGARETTES, AND OTHER TOBACCO AND NICOTINE PRODUCTS**. The bill updates the "Youth Access to Tobacco Prevention Act of 2006" to prohibit minors under the age of eighteen from entering retail establishments that primarily sell tobacco products, alternative nicotine products, or both, unless the minor is actively supervised and accompanied by an adult. The legislation provides for a more expansive definition of "alternative nicotine product” that specifically includes vaping. The legislation revises the restrictions governing Internet commerce and other remote sales to provide for the use of a method of mailing, shipping, or delivery that requires the signature of a person at least eighteen years of age before a tobacco product or alternative nicotine product will be released to the purchaser, unless the remote seller employs certain alternative protections to ensure age verification. The legislation requires every local school district in the state to adopt, implement, and enforce a written policy prohibiting at all times the use of any tobacco product or alternative nicotine product by any person in school buildings, in school facilities, on school campuses, and in or on any other school property owned or operated by the local school administrative unit. The policy also must prohibit the use of any tobacco product or alternative nicotine product by anyone attending an off-site school‑sponsored event when in the presence of students or school personnel.

The House amended, approved, and sent the Senate **H.3849**, a joint resolution to provide a **GRACE PERIOD ON THE ENFORCEMENT OF THE NEW CIGARETTE STAMP TAX REQUIREMENTS**, running through October 1, 2019, to afford sellers additional time to deplete their remaining inventories of unstamped packages of cigarettes.

The House amended, approved, and sent the Senate **H.3595**. The legislation revises the **INDUSTRY PARTNERSHIP FUND TAX CREDIT** to provide that the maximum annual amount is two hundred fifty thousand dollars for a single taxpayer, not to exceed an aggregate credit of nine million dollars for all taxpayers. The increased maximum credit amount is phased in under a three-year schedule beginning after 2018.

The House approved and sent the Senate [**H.3035**](https://www.scstatehouse.gov/billsearch.php?billnumbers=3035&session=123&summary=B), a bill revising **POLL WORKER QUALIFICATIONS** to allow for a more expansive pool of eligible workers. The legislation allows someone who is registered as a voter in South Carolina to serve as a poll worker anywhere in the state, replacing more restrictive provisions that require poll workers to reside in the area where the primary or election is being held. The legislation implements recommendations from the House Legislative Oversight Committee’s review of the State Election Commission.

The House amended and gave second reading approval to **H.3127**, a joint resolution establishing a temporary **MOLD ABATEMENT AND REMEDIATION STUDY COMMITTEE** to examine the health effects of mold in South Carolina’s public buildings, with a focus on children in public schools, and to ascertain the best methods for mold abatement and the prevention of future growth. The study committee, comprised of three Senators appointed by the President of the Senate and three House Members appointed by the Speaker of the House, is charged with making a report to the General Assembly by December 31, 2019, at which time the study committee shall dissolve.

The House amended, approved, and sent the Senate **H.3585**, relating to **INSURANCE LAW REVISIONS**. The billprovides for various technical changes, updates, and clean-up provisions for the laws governing insurance and regulation by the Department of Insurance.

The House amended, approved, and sent the Senate **H.3587**, a bill addressing **INSURER CORPORATE GOVERNANCE DISCLOSURES**. In keeping with the guidelines of the National Association of Insurance Commissioners, the legislationestablishes requirements for insurers and insurance groups to submit an annual disclosure to the Department of Insurance that summarizes their corporate governance structure, policies, and practices.

The House amended and gave second reading approval to **H.3700**, a bill revising beachfront management restrictions placed on erosion control structures or devices seaward of the setback line to allow for the placement of shoreline perpendicular **WINGWALLS** that extend landward at a 90 degree angle from the ends of existing erosion control structures or devices that are consistent in height with the existing erosion control structures to which they are attached, subject to any special conditions imposed by the Department of Health and Environmental Control.

The House amended, approved, and sent the Senate **H.3698**, legislation revising permit review by the Department of Health and Environmental Control under the **STATE COASTAL MANAGEMENT PLAN**. The legislation provides that, for individual navigable waters permits for docks located in the eight coastal counties but outside of critical areas, a coastal zone consistency certification is deemed approved if certification review is not completed within thirty days of an administratively complete application.

The House approved and sent the Senate **H.3483**, a bill that eliminates the sunset date of March 2021 for the provisions requiring **CERTAIN COAL COMBUSTION RESIDUALS BE PLACED IN A CLASS 3 LANDFILL**.

The House approved and sent the Senate **H.3644**, a bill that provides for a label requirement for **AMERICAN INDIAN ART UTILIZING WILD TURKEY FEATHERS** and certain other wild turkey parts. The legislation provides that the artist must affix a label to the product or provide accompanying documentation with the artist’s name and the following: “American Indian Art ‑ Resale of this Product in its Unaltered Original Condition is Lawful in South Carolina”.

The House approved **S.228**, legislation **CREATING THE TRI‑COUNTY TECHNICAL COLLEGE ENTERPRISE CAMPUS AUTHORITY**, and enrolled the bill for ratification.

**HOUSE COMMITTEE ACTION**

**EDUCATION AND PUBLIC WORKS**

The Education and Public Works Committee met on Wednesday, February 6, 2019, and reported out several bills.

The committee gave a favorable recommendation to [**H.**](http://scstatehouse.gov/billsearch.php?billnumbers=3378&session=123&summary=B) **3639**, a bill relating to the **IN-STATE TUITION AND FEES. T**his bill amends current state law in order to maintain compliance with a recently revised federal law. Federal law now requires that certain veterans with service-connected disabilities be eligible for in-state tuition and fees at public institutions of higher education, regardless of the length of time the individual has resided in this state.

The committee gave a favorable recommendation to [**H.**](http://scstatehouse.gov/billsearch.php?billnumbers=3378&session=123&summary=B) **3398**, a bill permanently authorizing the "**TUCKER HIPPS TRANSPARENCY ACT**" by repealing the three-year sunset provision.

The committee gave a favorable recommendation, amended, to [**H.**](http://scstatehouse.gov/billsearch.php?billnumbers=3378&session=123&summary=B) **3388, MOVE OVER AWARENESS MONTH**, a bill declaring that the month of March of each year is declared "Move Over Awareness Month" in South Carolina. The bill requires the Department of Transportation and the Department of Public Safety to conduct programs during this month that emphasize the importance of motor vehicle drivers moving over into an adjacent lane whenever possible when approaching or passing through a highway work zone, an emergency scene, or any other highway traffic incident.

The committee gave a favorable recommendation, amended, to [**H.**](http://scstatehouse.gov/billsearch.php?billnumbers=3378&session=123&summary=B) **3051**, regarding **TRUCK TOWING.** This bill provides that, for recreational purposes only, a pick-up truck with a fifth wheel assembly may not tow more than one separate trailing vehicle. The bill also sets length and weight limits.

The committee gave a favorable recommendation to [**H.**](http://scstatehouse.gov/billsearch.php?billnumbers=3378&session=123&summary=B) **3312, LICENSES AND PLATES**. This bill makes administrative changes to the SC Code regarding the technical direction of funds regarding the Comptroller General and DMV.

The committee gave a favorable recommendation, amended, to [**H.**](http://scstatehouse.gov/billsearch.php?billnumbers=3378&session=123&summary=B) **3359, VETERAN DESIGNATION**, a bill that designates certain reports and records that may be accepted for veteran designation regarding licenses. Also, the bill includes identification cards for this designation.

The committee gave a favorable recommendation, amended, to [**H.**](http://scstatehouse.gov/billsearch.php?billnumbers=3378&session=123&summary=B) **3310, SURRENDER OF VEHICLE DOCUMENTS**.  The bill provides a procedure for an insurance company or its agent to obtain a certificate of title for a vehicle from the Department of Motor Vehicles when a claimant fails to deliver the title to the insurance company or its agent. The application must be on a form provided by DMV and may only be submitted when the insurance company is unable to obtain the certificate of title from the claimant within thirty days after acceptance by the claimant of a settlement offer of total loss. The application must include evidence that the insurance company or its agent has made two or more written attempts to obtain the certificate of title from the claimant.

The committee gave a favorable recommendation, amended, to [**H.**](http://scstatehouse.gov/billsearch.php?billnumbers=3378&session=123&summary=B) **3355.** The bill enacts the "**DRIVING UNDER THE INFLUENCE OF AN ELECTRONIC DEVICE OR DUI-E LAW**". The bill addresses the unlawful use of a wireless communications device while operating a motor vehicle (revising the definition of certain terms). The bill also revises the circumstances when it is unlawful to use a wireless device: the vehicle operator is prohibited from physically holding a wireless telecommunications device (provided that this exclusion shall not prohibit the use of an earpiece, headphone device, or device worn on a wrist to conduct a voice-based communication - and then using one button); or holding a stand-alone electronic device and also is not to write, send, or read any text-based communication, including, but not limited to, a text message, instant message, e-mail, or Internet data on a wireless telecommunications device or stand-alone electronic device (this prohibition does not apply to a voice-based communication which is automatically converted by the device to be sent as a message in a written form). Also the operator cannot watch a video or movie on a wireless telecommunications device or stand-alone electronic device other than watching data related to the navigation of the vehicle. Provisions are made regarding emergency reporting and when a person may use a device (stopped on the side of a road or lawfully parked). The bill creates the offense of driving while using an electronic device, makes technical revisions, and fines that person not more than 200 dollars. Also, at certain points along the state's interstate highways, the Department of Transportation shall notify motorists of the provisions of this act.

**BILLS INTRODUCED IN THE**

**HOUSE THIS WEEK**

**EDUCATION AND PUBLIC WORKS**

[**H.3845**](https://www.scstatehouse.gov/billsearch.php?billnumbers=3845&session=123&summary=B) ***AUTHORIZATION OF FUNDING* Rep. Elliott**

This joint resolution authorizes the South Carolina Public Charter School District to provide certain funds for three- and four-year-old children with a disability who are eligible for services under the Individuals with Disabilities Education Act and attended schools that did not receive certain funding.

[**H.3930**](https://www.scstatehouse.gov/billsearch.php?billnumbers=3930&session=123&summary=B) ***ELIMINATING CERTAIN TESTING REQUIREMENTS* Rep. Martin**

This bill would eliminate certain testing requirements for certain grades among general changes to many assessment tests.

**JUDICIARY**

**H.3842 *JOINT COMMITTEE ON FEDERALISM* Rep. G. R. Smith**

Creates a Joint Committee on Federalism. This group would be responsible for evaluating specified federal laws through a process specified in this proposed legislation.

**H.3843 *MAGISTRATES' EDUCATION AND IMPROVEMENT ACT* Rep. Bamberg**

Enacts the "Magistrates' Education and Improvement Act." It revises magistrate base salaries and any supplements for serving as chief magistrate or as associate chief magistrates. All magistrates would be entitled to any cost of living adjustments, merit increases, or other salary increases given to other county employees. Sets out assessments on magistrate court filing fees and a schedule for paying them.

**H.3846 *CIVIL AIR PATROL RE-EMPLOYMENT RIGHTS* Rep. Rose**

Any re-employment rights and protections of South Carolina National Guard and South Carolina State Guard members, who serve state duty at the discretion of the governor, would be further extended to members of the South Carolina Wing of the Civil Air Patrol [CAP]. These protections would apply when CAP members perform their missions at the request of the governor, the South Carolina Emergency Management Division, or the Federal Emergency Management Agency.

**H.3847 ASSAULT *AND BATTERY ON HEALTH CARE PROFESSIONALS* Rep. Tallon**

Anyone unlawfully committing assaults and batteries on health care professionals while they are on the clock would be subject to greater maximum criminal penalties for their criminal conduct.

**H.3910 *NONRESIDENT NOTARIES PUBLIC* Rep. Bailey**

Allows nonresidents-- who are at least 18 years old, live legally in the United States, and have a high school diploma or an equivalent education-- to be commissioned as notaries public in the South Carolina county of their employment or business location.

**H.3915 *ROLE OF SCDSS LEGAL REPRESENTATIVES* Rep. Kimmons**

Requires legal representatives of the SC Department of Social Services [SCDSS] to ensure that child welfare and safety are the sole basis of any SCDSS recommendations and decisions.

**H.3916 *FAILURE TO REGISTER MOTOR VEHICLES* Rep. Murphy**

Modifies penalties for failure to register a motor vehicle, so that anyone who fails to register a motor vehicle will be guilty of a misdemeanor and, upon conviction, must be fined $500 or imprisoned for up to 30 days, or both.

**H.3917 *SOUTH CAROLINA ELECTRONIC NOTARY PUBLIC ACT AND REMOTE ONLINE NOTARIZATION ACT*** Rep. Clemmons

The "South Carolina Electronic Notary Public Act" and the "South Carolina Remote Online Notarization Act" allow documents to be notarized by electronic means. Sets up requirements for recording these new electronic documents in county register of mesne conveyances, or register of deeds, offices.

**H.3918 *CONVICTED JUVENILES AND THE SEX OFFENDER REGISTRY* Reps. Collins**

Gives family court judges discretion when deciding whether or not a child 14, or more, years old should be placed on the sex offender registry. At the same time, it prohibits family courts from placing a child under 14 years old on the sex offender registry. Limits public access to victims, witnesses, schools, childcare facilities, and other businesses that primarily serve children, women, or vulnerable adults.

**H.3919 *YOUTH SENTENCING ACT OF 2019* Rep. Collins**

Would enact the "Youth Sentencing Act of 2019" to prohibit the penalty of life imprisonment for any individual who is less than 18 years old at the time they commit an offense. Sets out maximum sentences for these individuals. Bans restraints, isolation, room, and solitary confinement for juvenile offenders, with exceptions. Repeals ‘no parole’ offenses for this group as well.

**H.3920 *PERSONHOOD ACT OF SOUTH CAROLINA* Reps. Magnuson**

Enacts the "Personhood Act of South Carolina." It would establish that the right to life for each born and preborn human being vests at fertilization. This vesting thereby extends due process and equal protection constitutional guarantees at fertilization for each born and preborn human being.

**H.3921 *REPORTING SEXUAL MISCONDUCT, HARASSMENT, OR DATING VIOLENCE ELECTRONICALLY* Rep. Norrell**

Provides options for employees or enrolled students to electronically report allegations of sexual harassment, sexual assault, dating violence, or stalking committed against, or witnessed by, that student or employee. Updated reporting requirements, protocols, definitions, and revisions making this law also applicable to campus employees are a significant aspect of this proposed legislation. Requires orientations to be conducted about the contents and effects of this legislation. Victims and alleged perpetrators in these acts could withdraw from campus without academic penalty.

**H.3922 *SEXUAL MISCONDUCT WITNESS PROTECTIONS* Rep. Norrell**

Prevents institutions of higher learning from taking disciplinary actions for violations of the student code of conduct against students who, determined to have acted in good faith, report being victims of, or witnesses to, specified sexually related misconduct.

**H.3931 *BURGLARY OF HOMES DURING STATE-MANDATED EVACUATIONS*** Rep. Hewitt

Entering into anyone’s property, during a declared state of emergency, would be considered felony burglary in the first degree and could be punished with a minimum 15-year sentence, and up to life in prison. Under current law, this crime is only considered felony looting with punishment being in the discretion of the trial court.

**H.3932 *NO TOBACCO OR ALTERNATIVE NICOTINE PRODUCTS UNTIL AGE 21***

**Rep. Rutherford**

Seeks approval of an amendment to the South Carolina constitution to allow the General Assembly to restrict the sale, purchase, or possession of tobacco products, cigarettes, and alternative nicotine products by anyone until they are 21 years old.

**H.3933 *LOCAL OFFICE CANDIDATES MUST BE RESIDENTS* Rep. Crawford**

Establishes a residency requirement for candidates for local office that are elected from specific districts.

**H.3934 *SUBPOENA POWERS FOR COUNTY COMMITTEES* Rep. Pendarvis**

Expands the authority of standing committees to issue subpoenas, and subpoenas *duces tecum*, to committees formed by county legislative delegations. By majority vote of these committees, subpoenas, and subpoenas *duces tecum*, could be issued to any state agency, department, board, commission, as well as any political subdivision.

**LABOR, COMMERCE AND INDUSTRY**

**S.358 *MERGER OF A SELF‑INSURER WITH A LICENSED INSURER* Sen. Cromer**

This bill provides that South Carolina Property and Casualty Insurance Guaranty Association provisions do not apply to any claims or losses covered by self‑insurance that occurred prior to the assumption, transfer, merger, or other acquisition of a block of business by a licensed insurer. The legislation requires the South Carolina Workers’ Compensation Commission to secure an actuarial opinion before approving the transfer of a self‑insurer to a licensed insurer.

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

**H.3844 “*PHARMACY ACCESS ACT*” Rep. Rutherford**

This bill establishes the “Pharmacy Access Act”. Among many things, the legislation outlines that a person licensed under the South Carolina Pharmacy Practice Act who is acting in good faith and exercising reasonable care as a pharmacist may dispense a self‑administered hormonal contraceptive or administer an injectable hormonal contraceptive pursuant to a standing prescription drug order by a prescriber to a patient under certain conditions.

**WAYS AND MEANS**

**H.3848 *REAL PROPERTY TAX EXEMPTION FOR DISABLED VETERANS* Rep. Hart**

This bill revises provisions relating to persons liable for taxes and assessments on real property, so as to provide that disabled veterans of the armed forces of the United States, who meet criteria for being permanently and totally disabled as a result of a service‑connected disability, may immediately claim the exemption for the entire year in which the disability occurs.

**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).***