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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 approved and sent the Senate **H.4243**, a bill addressing **PROFESSIONAL SPORTS TEAM INVESTMENTS**. The legislation revises job tax credit provisions to allow a professional sports team to be eligible for the tax credits for jobs created. The legislation prohibits a county from levying county license fees and taxes on a professional sports team, and prohibits a municipality from levying a business license tax on a professional sports team. The legislation provides that real property owned by a professional sports team may not be annexed by a municipality without prior written consent of the professional sports team.

The House amended and gave second reading approval to **H.4260**, the **“SOUTH CAROLINA RATEPAYER PROTECTION ACT OF 2019”**. The legislation draws upon the work of the special House Utility Ratepayer Protection Committee which was appointed by the Speaker of the House following the announcement from Santee Cooper and SCANA’s South Carolina Electric and Gas that construction on the V.C. Summer nuclear reactors in Fairfield County was being abandoned after billions of dollars in fees had been collected from South Carolina’s ratepayers under the Base Load Review Act to support the failed nuclear power project. The legislation includes reforms and enhanced authority for the Public Service Commission, the body that provides oversight and renders decisions in public utility matters. Provisions are included to prevent conflicts interests. The legislation provides that a person may not serve as the state’s Consumer Advocate if the Public Service Commission regulates a business with which that person is associated. The Consumer Advocate may not interview or seek employment with a public utility while serving as the Consumer Advocate and may not represent a public utility or appear on behalf of a public utility in a proceeding before the Public Service Commission in a matter within the commission’s jurisdiction for a period of one year after termination. An employee of the Department of Consumer Affairs is prohibited from soliciting, receiving, or accepting anything of value from those who are regulated by the Public Service Commission. Those regulated by the PSC are prohibited from offering, facilitating, or providing anything of value to a department employee. Violations are misdemeanor criminal offenses punishable with fines of up to five thousand dollars and/or imprisonment for up to one year. The legislation strengthens provisions that preclude commission employees and employees of the PSC’s Office of Regulatory Staff from having financial ties with those regulated by the PSC. The Public Service Commission and the Office of Regulatory Staff are afforded authority to employ third‑party consultants and experts in carrying out their duties if the commission determines it is in the best interests of ratepayers and it is approved by the Public Utilities Review Committee. The legislation provides that, before making a determination, the commissioners shall question the parties thoroughly during hearings of contested cases when appropriate. The commission is empowered with the authority to require mediation or alternative dispute resolution. The PSC is afforded more expansive authority to conduct examinations, including physical inspection of facilities, of all those who are subject to its jurisdiction. Public utilities that fail or refuse to permit the Office of Regulatory Staff or Public Service Commission to examine and inspect its books, records, accounts, and documents, or its plant, property, or facilities, as provided by law, must be punishable by a fine up to ten thousand dollars for each day they are in violation. Public utilities are subject to a fine up to ten thousand dollars for each day they are in violation of any law or refuse to conform to or obey any rule, order, or regulation of the Office of Regulatory Staff or Public Service Commission. An officer, agent or employee of a public utility, who wilfully neglects or refuses to make and furnish any report required by the commission or who wilfully or unlawfully hinders, delays or obstructs the commission in the discharge of its duties shall forfeit and pay five thousand dollars for each offense. Misdemeanor criminal offenses are established for those who knowingly or willfully provide false information or withhold information in required reports or responses to the Office of Regulatory Staff or the Public Service Commission. Violators are subject to a fine of up to one thousand dollars and/or imprisonment for up to thirty days. The legislation includes new requirements for the principal executive officer and principal financial officer of a public utility to sign and officially certify materials submitted to the Public Service Commission. Felony criminal penalties are established for violating these certification requirements, punishable with fines of up to one hundred thousand dollars and/or imprisonment for up to five years. Employees of public utilities are afforded whistleblower protections when reporting wrongdoing. The legislation requires all the members of the Public Service Commission to meet the qualifications established for educational attainment or technical experience by eliminating an exception that allows the criteria to be waived through a supermajority vote of those screening PSC candidates. Continuing education requirements are expanded to require the commissioners and their employees to attend at least six hours of classes each year with a curriculum, approved by the Public Utilities Review Committee, which directly relates to the subject matter for which the commission is responsible. New restrictions and reporting requirements are imposed on reimbursements for such costs as travel, food, and lodging incurred in fulfilling continuing education requirements in order to avoid the appearance of impropriety and prevent payments that could influence the performance of official duties. The legislation eases restrictions on communications with members or staff of the Public Utilities Review Committee or any other legislative committee charged with review of the commission. The Public Utilities Review Committee is expanded from ten to twelve members, four of whom must be appointed by the Governor from the general public at large. Provisions are included to disqualify someone from serving on the review committee who has made a political contribution to those making the appointments during the current election cycle or the previous two election cycles. In conducting its screenings, the Public Utilities Review Committee is required to report out all candidates found qualified for each seat on the Public Service Commission to be elected by the General Assembly. The Public Utilities Review Committee is charged with appointing the Executive Director of the Office of Regulatory Staff. The legislation establishes qualifications for the executive director, sets a six-year term for the position, and provides that the executive director serves at the will of the committee and may be removed by a majority vote of the review committee. Provisions are included to prevent conflicts interests by prohibiting members of Public Utilities Review Committee from having financial ties with those regulated by the Public Service Commission.

The House returned **S.540** to the Senate with amendments. This bill makes temporary provisions to allow for the submission of less than three qualified applicants to the Governor to serve as **EXECUTIVE DIRECTOR OF THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE**. The waiver on the requirement extends until the position is filled or July 1, 2019, whichever occurs first.

The House amended, approved, and sent the Senate **H.3602**, a bill expanding **THOSE WHO ARE AUTHORIZED TO MAKE HEALTH CARE DECISIONS FOR PATIENTS WHO CANNOT PROVIDE CONSENT**. The legislation adds a category of individuals who can make healthcare decisions for patients who are unable to consent so that the statutory list includes someone who has established special care and concern for a patient and who is not a paid caregiver or other type of paid healthcare provider. This adult individual, such as a friend or neighbor, who has exhibited special care and concern for the patient and who is generally familiar with the patient’s health care views and desires, must sign a notarized acknowledgement form in order to become involved in the patient’s health care decisions and to act in the patient’s best interest. This acknowledgement form, setting forth the nature and length of their relationship and certifying they meet all criteria to be considered a healthcare decision maker for the patient, is placed in the patient’s records.

The House amended, approved, and sent the Senate **H.3789**, a bill revising provisions for **DRIVER’S LICENSES** and identification cards issued by the Department of Motor Vehicles. These revisions include adjustments to coordinate state procedures with federal Real ID provisions.

The House approved and sent the Senate **H.3383**, a bill that revises provisions governing the **STATE FOREST LAND REVENUES** that the Forestry Commission shares with counties, so as to exclude the proceeds from land rentals and Wildlife Management Area payments from the proceeds that are shared with the counties. Under the legislation, the Forestry Commission would retain these proceeds, but would continue to share with counties the major source of revenue generated by timber sales.

The House approved and sent the Senate **H.3046**, a bill establishing **CRIMINAL OFFENSES OF FURTHERING TERRORISM**. The legislation establishes the felony offense of furthering terrorism that applies to someone who makes significant plans or takes actions toward the commission of an act of violence with the intent to commit an act of terrorism. A violator is subject to imprisonment for up to thirty years. The legislation also establishes a felony offense that applies to someone who provides material or financial support of an act of terrorism or who conceals the actions or plans of another to carry out an act of terrorism. A violator is subject to imprisonment for up to twenty years. The legislation authorizes the seizure and forfeiture of real and personal property used in connection with these offenses. The legislation revises the statutory definition of “terrorism” to make clear that it encompasses instances of domestic terror by specifically including criminal acts dangerous to human life that appear to be intended to intimidate or coerce groups within the civilian population based on the group’s race, religion, color, sex, age, national origin, or sexual orientation.

The House approved and sent the Senate **H.3145**, a bill addressing **ELECTRIC COOPERATIVES OVERSIGHT AND TRANSPARENCY**. The legislationvests the Office of Regulatory Staff with authority and jurisdiction to make inspections, audits and examinations of electric cooperatives. The legislation provides that no distribution electric cooperative shall, as to rates or services, make or grant any unreasonable preference or advantage to any person, corporation, municipality or consolidated political subdivision to its unreasonable prejudice or disadvantage. No distribution electric cooperative shall establish or maintain any unreasonable difference as to rates or service as between localities or as between classes of service. The legislation revises provisions relating to annual meetings of members of an electric cooperative, so as to revise the notice requirements for certain meetings. The legislation revises provisions relating to a quorum at meetings of electric cooperatives, so as to allow persons casting early voting ballots for the election of trustees to be counted for purposes of determining a quorum at the meeting for the election, and to prohibit voting by proxy. For meetings that include the election of cooperative trustees, polling locations must be open for a minimum of four hours. Requirements are included for making early voting accommodations when trustee races are contested. Unless otherwise provided in the bylaws, each trustee’s principal residence, as determined by South Carolina voter registration law, must be served by the cooperative. A vacancy in the office of trustee occurring for any reason other than expiration of a term may be filled only for the remainder of the unexpired term by a vote of the membership at the next annual meeting. The legislation requires annual public disclosure of compensation and benefits paid to or provided for members of the board of trustees. The legislation includes notice requirements for all non‑emergency meetings of the board of trustees or the membership of the cooperative. The legislation makes transparency provisions for meetings that include requirements for certain votes of trustees to be taken in open session, requirements for votes taken in executive session to be ratified in open session, require for providing minutes of all meetings to cooperative members. Provisions are included to prohibit certain conflicts of interest and the misuse of a position on a board of trustees for financial gain or to secure certain other advantages. The legislation establishes provisions governing the conduct of elections by a cooperative, that prohibit advocacy or campaigning within a certain distance of the polling place. Incumbent trustees seeking reelection shall not directly or indirectly influence the nomination or credentials process. The legislation includes financial disclosure requirements and ethics provisions for electric cooperative trade associations. The Office of Regulatory Staff is authorized to make inspections, audits, and examinations of these trade associations and the Public Service Commission is vested with the authority and jurisdiction to resolve any disputed issues arising from the inspections, audits or examinations.

The House approved and sent the Senate **H.3243**, a bill **REVISING FILING AND RECORDING FEES CHARGED BY THE REGISTER OF DEEDS AND CLERKS OF COURT** to make provisions for charging certain flat fees, rather than fees determined by the number of pages in a document. The legislation updates 30‑year-old fee schedules set for filing and registering a list of legal documents, including deeds and mortgages. Fees for filing a power of attorney are waived for military personnel deployed to combat zones.

**HOUSE COMMITTEE ACTION**

AGRICULTURE, NATURAL RESOURCES AND

**ENVIRONMENTAL AFFAIRS**

The Agriculture, Natural Resources and Environmental Affairs Committee met on Tuesday, March 26, 2019, and reported out several bills.

The committee gave a favorable with amendment report to **H.4152**, a bill that makes changes to the **SOLID WASTE POLICY AND MANAGEMENT REGULATIONS** which re-classifies certain plastics such as post-use polymers and recoverable feedstocks as recovered materials and not solid waste that currently go to landfills. As a result of changes in the recycling industry, certain plastics can be recycled to make fuel. This legislation could possibly help with the reduction of landfills.

**H.3079**, legislation that allows for a different method for private property **POSTING TRESPASSING NOTICES** involving clearly visible purple-painted boundaries, received a favorable recommendation from the committee. The legislation allows for purple marking on permanent fixtures consisting of one vertical line not less than eight inches in length and two inches in width, and the bottom of the mark not less than three nor more than six feet from the ground.

**H.4239**, a bill allowing **TRAWLING IN AREAS ALONG THE COAST OF HORRY COUNTY**, received a favorable recommendation by the committee. Trawling means fishing with a net or having part of a trawl door in the water, in this particular case for shrimping.

The committee gave a favorable report to **H.4245**, legislation that deals with it being **UNLAWFUL TO ADVERTISE, SELL, LABEL OR MISREPRESENT AS “MEAT”.** The legislation requires proper labeling and does not allow the word “meat” to be used on all or part of a carcass that is cell-cultured meat protein or nothing that is derived from harvested production livestock or poultry.

**H.3800**, a bill that waives the **CERTIFICATION OF COMPLETION REQUIREMENT FOR A HUNTING LICENSE**, was given a favorable with amendment recommendation. The legislation waives the certificate of completion requirement if a person purchases an apprentice hunting license. Basically, it extends the opportunity for a person to try out hunting prior to purchasing a hunting license. The legislation also revises that a nonresident who meets the qualifications as an apprentice hunter must purchase a three-day temporary statewide apprentice hunting license for fifty dollars.

The following bills are a result of the Legislative Oversight Committee’s study of the South Carolina Department of Natural Resources. The bills involved are DNR’s suggested changes as it relates to the agency and its programs.

The committee gave a favorable with amendment report to **H.4009**, a bill dealing with statutory changes for the **DEPARTMENT OF NATURAL RESOURCES (DNR)**. This bill repeals outdated sections, amends incorrect sections, updates sections to current procedure and nomenclature. It deletes items pertaining to an expired directive or an ended study. It further gets rid of duplicative statutes. As a result, the changes include the ability for DNR to send license suspension information through the mail without a return receipt. As a result, this update leads to a cost savings of nearly $7K.

**H.4011**, legislation that makes necessary changes and enhances the **“WATER RESOURCE AND PLANNING COORDINATION ACT”**, was given a favorable recommendation with amendment by the committee. Among many things, the bill adds a “State Water Plan” as an example of a comprehensive water resource policy in which DNR provides assistance to the Governor and General Assembly in formulating. The bill allows DNR to accept and spend federal money for water resource investigation. Requires to DNR to assist with coordination of water resource activities, programs, and plans at both local and “regional” level. The bill also expands DNR’s consideration of adequate supplies of surface and groundwater from specific uses to “all” uses.

**H.4012**, legislation that cleans up and updates the **LAND, RESOURCES, AND CONSERVATION DISTRICTS DIVISION,** was given a favorable report by the committee. Among many things, the bill updates the division’s name to Land, Water and Conversation Division and it reformats the State Land Resources Conservation Commission into the Land, Water and Conservation Division Advisory Committee. The bill also removes unnecessary statutory requirements that relates to financial needs for soil and water conservation districts which is now accomplished through the budgeting process. It removes references to discontinued practices as it relates to County Agricultural Agents.

**H.4013**, a bill that changes certain requirements for the **STATE GEOLOGICAL SURVEY UNIT** under the Department of Natural Resources, was given a favorable recommendation by the committee. The bill requires that the state geologist become familiar with geologic hazards throughout the state.

The committee gave a favorable recommendation to **H.4014**, a bill that designates the Department of Health and Environmental Control as the designated agent in selecting land as it related to the **LEASE OF DEVELOPMENT RIGHTS TO GEOTHERMAL RESOURCES UNDERLYING SURFACE LANDS OWNED BY STATE.**

**H.4015**, a bill repealing Chapter 11, of Title 13, the **NEW HORIZONS DEVELOPMENT AUTHORITY** as a result of the inactivity over the years, was given a favorable recommendation by the committee.

**H.4016,** legislation that adds saltwater fishing points violations to the statute to coincide with freshwater and hunting point violations under the **PRETRIAL INTERVENTION RELATING TO CRIMES**, was given a favorable recommendation by the committee. Currently, the statute does not include saltwater fishing points.

**JUDICIARY**

The House Judiciary Committee met Tuesday, March 26th, and reported out the following bills:

A favorable report, as amended, was given to [**H.3319**](https://www.scstatehouse.gov/billsearch.php?billnumbers=3319&session=123&summary=B) **NOTIFYING RELEASED INMATES THEY CAN REGISTER TO VOTE.**  This legislation requires the Department of Corrections and the Department of Probation, Parole, and Pardon Services to inform anyone convicted of a felony, or an election laws-related offense, when they will be eligible to become a registered voter. The committee amendment requires electronic files of these qualifying inmates to be provided monthly to the State Election Commission.

Also receiving a favorable report, as amended, was [**H.3322**](https://www.scstatehouse.gov/billsearch.php?billnumbers=3322&session=123&summary=B) **COMPREHENSIVE CRIMINAL PROCESS AND CRIMINAL PENALTIES REFORM.** This proposed legislation is lengthy and comprehensive. It, among many things, would qualify certain inmates incarcerated for specified, nonviolent offenses to immediate parole. It would also require courts to take into account the financial resources of defendants before ordering restitution to be paid. Payment schedules would have to be developed for defendants. It also limits revoking probation for mere technical noncompliance events by probationers. Inmates serving for 15 years could petition courts for sentence modification. The more comprehensive portion of this proposed legislation would remove some mandatory minimum sentences for certain crimes, but not necessarily for misdemeanor offenses. Directs each circuit solicitor to establish a drug court program for adults and juveniles, to provide criteria for the eligibility of persons charged with nonviolent offenses, to allow each circuit solicitor to establish an office of drug court program coordinator. Also directs the Commission on Prosecution Coordination to establish a state office of Drug Court Coordination, set fees for drug court program participation, and filing annual reports detailing drug court program activities. Copies of these reports would have to be given to the Sentencing Reform Oversight Committee. Sets out procedures for appointing and paying drug court judges. Committee amendments also added a prohibition for magistrates who practice criminal law. These magistrates could not handle any criminal matters in the county where they preside.

**H.3661 CONTIGUOUS PROPERTY ANNEXATIONS BY CITIES** received a favorable report after being amended in committee.This legislation **c**larifies the term "contiguous" for occasions when municipalities wholly within a special purpose district can annex unincorporated property that is also wholly within these special purpose districts. The amendment protects any outdoor advertising installations within these annexed areas. They will be allowed to remain after the annexation is completed.

A favorable report, with amendment, was given to **H.3915 ROLE OF SCDSS LEGAL REPRESENTATIVES*.*** SC Department of Social Services [SCDSS] legal representatives are required to ensure that child welfare and safety are the predominate considerations in any SCDSS recommendations or decisions.

The final legislation receiving a favorable report was **H.3967 RESTRAINING PREGNANT AND POST PARTUM INMATES.** It sets out methods for restraining inmates who have a clinical diagnosis of pregnancy, or have been determined to be in postpartum recuperation.

**LABOR, COMMERCE AND INDUSTRY**

The House Labor, Commerce and Industry Committee met on Tuesday, March 26, and reported out several bills.

The committee gave a report of favorable with amendments on **H.3780**, a bill creating the **“GROWING RURAL ECONOMIES WITH ACCESS TO TECHNOLOGY (GREAT) PROGRAM”** to facilitate the deployment of broadband data transmission service to unserved areas of the state. The legislation establishes the Growing Rural Economies with Access to Technology Fund as a special revenue fund in the South Carolina Rural Infrastructure Authority that is to be used for awarding state grants, in conjunction with federal funds, that are to be used to pay for the infrastructure costs associated with deploying high speed, high capacity, broadband Internet access to homes, businesses, and community anchor points in an unserved area of an economically‑distressed county.

The committee gave a report of favorable with amendments on **H.4260**, the **“SOUTH CAROLINA RATEPAYER PROTECTION ACT OF 2019”**. The legislation draws upon the work of the special House Utility Ratepayer Protection Committee which was appointed by the Speaker of the House following the announcement from Santee Cooper and SCANA’s South Carolina Electric and Gas that construction on the V.C. Summer nuclear reactors in Fairfield County was being abandoned after billions of dollars in fees had been collected from South Carolina’s ratepayers under the Base Load Review Act to support the failed nuclear power project. The legislation includes reforms and enhanced authority for the Public Service Commission, the body that provides oversight and renders decisions in public utility matters. Provisions are included to prevent conflicts interests. The legislation provides that a person may not serve as the state’s Consumer Advocate if the Public Service Commission regulates a business with which that person is associated. The Consumer Advocate may not interview or seek employment with a public utility while serving as the Consumer Advocate and may not represent a public utility or appear on behalf of a public utility in a proceeding before the Public Service Commission in a matter within the commission’s jurisdiction for a period of one year after termination. An employee of the Department of Consumer Affairs is prohibited from soliciting, receiving, or accepting anything of value from those who are regulated by the Public Service Commission. Those regulated by the PSC are prohibited from offering, facilitating, or providing anything of value to a department employee. Violations are misdemeanor criminal offenses punishable with fines of up to five thousand dollars and/or imprisonment for up to one year. 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Misdemeanor criminal offenses are established for those who knowingly or wilfully provide false information or withhold information in required reports or responses to the Office of Regulatory Staff or the Public Service Commission. Violators are subject to a fine of up to one thousand dollars and/or imprisonment for up to thirty days. The legislation includes new requirements for the principal executive officer and principal financial officer of a public utility to sign and officially certify materials submitted to the Public Service Commission. Felony criminal penalties are established for violating these certification requirements, punishable with fines of up to one hundred thousand dollars and/or imprisonment for up to five years. Employees of public utilities are afforded whistleblower protections when reporting wrongdoing. The legislation requires all the members of the Public Service Commission to meet the qualifications established for educational attainment or technical experience by eliminating an exception that allows the criteria to be waived through a supermajority vote of those screening PSC candidates. Continuing education requirements are expanded to require the commissioners and their employees to attend at least six hours of classes each year with a curriculum, approved by the Public Utilities Review Committee, which directly relates to the subject matter for which the commission is responsible. New restrictions and reporting requirements are imposed on reimbursements for such costs as travel, food, and lodging incurred in fulfilling continuing education requirements in order to avoid the appearance of impropriety and prevent payments that could influence the performance of official duties. The legislation eases restrictions on communications with members or staff of the Public Utilities Review Committee or any other legislative committee charged with review of the commission. The Public Utilities Review Committee is expanded from ten to twelve members, four of whom must be appointed by the Governor from the general public at large. Provisions are included to disqualify someone from serving on the review committee who has made a political contribution to those making the appointments during the current election cycle or the previous two election cycles. In conducting its screenings, the Public Utilities Review Committee is required to report out all candidates found qualified for each seat on the Public Service Commission to be elected by the General Assembly. The Public Utilities Review Committee is charged with appointing the Executive Director of the Office of Regulatory Staff. The legislation establishes qualifications for the executive director, sets a six-year term for the position, and provides that the executive director serves at the will of the committee and may be removed by a majority vote of the review committee. Provisions are included to prevent conflicts interests by prohibiting members of Public Utilities Review Committee from having financial ties with those regulated by the Public Service Commission.

The committee gave a report of favorable with amendments on **H.4261**, a bill providing **REFORM FOR SOUTH CAROLINA’S PUBLIC SERVICE AUTHORITY** which governs the operations of the state-owned electric utility Santee Cooper. Terms of service are ended for the current PSA Board of Directors and a schedule is established for the appointment of their successors. All new board members must meet a set of qualifications to ensure that they possess certain levels of educational attainment and a background that affords expertise in: energy issues; water and wastewater issues; finance, economics, and statistics; accounting; engineering; or law. The legislation revises appointment procedures to provide for the directors representing each of the state’s congressional districts to be elected by the General Assembly. Members of the General Assembly and their immediate family may not be appointed to the Public Service Authority while serving as legislators and for four years after their service. Provisions are included to avoid conflicts of interests by prohibiting members of the board of directors from having certain financial ties with the Public Service Authority. Transparency provisions are included that require live-streaming of PSA board and committee meetings and online public access to archived recordings of these meetings along with agendas and any documents presented during the open portion of meetings. The legislation requires that all major utility facilities proposed by the Public Service Authority must be submitted to the Public Service Commission for approval. A new procedure is established that the Public Service Authority must follow prior to revising any of its board‑approved retail rate schedules for residential, lighting, commercial, or industrial customers in a manner that results in a rate increase. This retail rates process includes requirements for providing notice to customers, holding public meetings, and receiving commentary from customers impacted by proposed rate increases. The legislation creates a ten-member South Carolina Public Service Authority Review and Oversight Commission composed of key legislative leaders, or their designees. The commission’s oversight duties include conducting a biennial review of to assess whether the PSA is improving the quality of life for South Carolinians by providing low cost, reliable power in this state in an efficient, effective manner in accordance with all applicable laws and regulations. The commission is authorized to undertake other reviews, studies, or evaluations on such matters as: (1) transmission and distribution reliability; (2) generation sources and availability; (3) customer surveys; (4) economic development; (5) lake management; (6) financial reports including operating budgets, outstanding debt, existing and proposed debt issuances, debt defeasance, debt/equity ratios, and bond ratings; (7) executive organizational structure and compensation, to include retirement compensation; and, (8) status of planned and ongoing capital projects. The South Carolina Public Service Authority board of directors and president/CEO have a duty to disclose material operational issues that impact customer rates to the commission.

The committee gave a report of favorable with amendments on **H.4262**, a bill that enacts the **“SOUTH CAROLINA SMALL WIRELESS FACILITIES DEPLOYMENT ACT”** to establish certain uniform procedures, rates and fees for small wireless facilities, including small cells and distributed antenna systems, on utility poles in rights of way to encourage the development of strong and robust wireless and broadband communications networks throughout the state.

The committee gave a report of favorable with amendments on **H.4246**, a bill addressing **REAL ESTATE COMMISSION CRIMINAL BACKGROUND CHECKS**. The legislationrevises requirements for criminal background checks by the Real Estate Commission, so as to change the effective date to allow for better coordination with license renewal schedules.

The committee gave a report of favorable with amendments on **H.4244**, a bill making revisions related to **VEHICLE SERVICE CONTRACTS** and theft protection program warranties that include requirements for disclosures to consumers and provisions for how service contract providers establish their financial security to pay claims.

The committee gave a report of favorable with amendments on **H.3785**, a bill making revisions that relate to the operation of the **BOARD OF ACCOUNTANCY** including provisions detailing when it is appropriate for meetings of the board to be closed.

The committee gave a report of favorable with amendments on **S.540**. As approved by the committee, this bill makes temporary provisions to allow for the submission of less than three qualified applicants to the Governor to serve as **EXECUTIVE DIRECTOR OF THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE**. The waiver on the requirement extends until the position is filled or July 1, 2019, whichever occurs first.

The committee gave a report of favorable with amendments on **H.4256**, a bill addressing **FUNERAL SERVICES** with provisions that include prohibiting the unlicensed conduct of funeral services, enhancing penalties for funeral services violations, and strengthening ethics provisions.

**WAYS AND MEANS**

The Ways and Means Committee met on Tuesday, March 26, and reported out several bills.

The committee gave a favorable report of favorable with amendments on **H.4287**, legislation establishing a protocol for **EVALUATING PROPOSALS FOR THE SALE OF SANTEE COOPER OR OTHER ARRANGEMENTS** in order to protect the individual and corporate ratepayers of Santee Cooper and the electric cooperatives of this state who receive electric power from this state-owned electric utility from rising electric power rates due to grossly excessive debt and costs incurred in the construction of the two abandoned nuclear reactors at Jenkinsville, South Carolina. This joint resolution establishes a process for the Public Service Authority Evaluation and Recommendation Committee to receive and consider offers of purchase and other arrangements such as entering into a management agreement. The legislation provides that any offer must be submitted to the General Assembly for approval and specifies the manner in which an offer is to be transmitted to and approved or disapproved by the General Assembly.

The committee gave a favorable report on **S.214**, a bill addressing **SALES AND USE TAX LIABILITY**. The legislation reaffirms state tax policy regarding market facilitators and other matters and makes explicit provisions that Internet marketplaces where a person sells tangible personal property at retail by listing or advertising, or allowing the listing or advertising of, another person’s products on an online marketplace and collects or processes the payment from the customer are retailers required to remit the sales and use tax on such retail sales under the provisions of South Carolina sales and use tax law.

The committee gave a favorable report on **H.4127**. This bill revises eligibility criteria for the **DEPARTMENT ON AGING’S PHYSICIAN STUDENT LOAN REPAYMENT PROGRAM** as a means of enhancing the South Carolina’s ability to recruit and retain needed geriatric physicians.

The committee gave a favorable report on **H.4008**. This bill revises Heritage Trust Program provisions by **REPEALING PROVISIONS FOR HERITAGE TRUST REVENUE BONDS** since this bond debt has been retired. The legislation makes revisions recommended by the House Legislative Oversight Committee’s study of the Department of Natural Resources.

The committee gave a favorable report on **H.4010**. This bill revises provisions for land acquired under the **HERITAGE TRUST PROGRAM**, so as to remove the maximum acreage limitation. The legislation makes revisions recommended by the House Legislative Oversight Committee’s study of the Department of Natural Resources.

The committee gave a favorable report of favorable with amendments on **H.3457**, relating to a **NEW MUNICIPAL OPERATING MILLAGE**. The legislation establishes a protocolthat allows a municipality without an operating millage on January 1, 2019, or a municipality that incorporates after January 1, 2019, to impose an operating millage.

The committee gave a favorable report on **H.3205**, a bill that makes revisions to the Catawba Indian Claims Settlement Act to eliminate an obsolete **CATAWBA INDIAN TRIBE FEE EXEMPTION**.

The committee gave a favorable report on **H.3596**, a bill addressing **ROLLBACK PROPERTY TAXES ON RECLASSIFIED AGRICULTURAL LAND**. The legislationrevises provisions relating to classification of property and assessment ratios for purposes of ad valorem taxation, so as to limit rollback taxes to one year when land classified as agricultural real property is applied to another use.

The committee gave a favorable report of favorable with amendments on **H.3778**, a bill addressing **PORT CARGO VOLUME INCREASE TAX CREDITS AND PORT TRANSPORTATION CREDITS**. The legislationincreases the maximum annual amount of tax credits for port cargo volume increases available to all qualifying taxpayers from eight million to fifteen million dollars. The legislation makes provisions for a port transportation credit for the costs of transporting freight, goods, and materials from qualifying facilities located in the counties of Allendale, Bamberg, Barnwell, Beaufort, Hampton, Jasper, or Orangeburg to a South Carolina port facility. The port transportation credit expires effective at the end of the calendar year in which a port in Jasper County is opened and is accepting shipments. The legislation provides that a port facility is a distribution facility for purposes of certain sales tax exemptions.

The committee gave a favorable report of favorable with amendments on **H.3998**. This bill enacts the **“WORKFORCE AND SENIOR AFFORDABLE HOUSING ACT”** to allow a taxpayer eligible for a federal low‑income housing tax credit to claim a low‑income state tax credit.

The committee gave a favorable report on **H.4133**. This bill revises provisions relating to **COMMUNITY DEVELOPMENT TAX CREDITS**, so as to: allow a tax credit of fifty percent of any cash donation to a community development corporation or community development financial institutions; eliminate an aggregate credit provision and set an annual limit; establish tax credit reserve accounts for the first three quarters of each tax year so as to avoid the depletion of credits by an individual taxpayer; eliminate the pro‑rata distribution of tax credits; allow financial institutions with tax liabilities in this state to invest in community development corporations for the purpose of receiving a tax credit; and, provide that returns on investments in certified community development corporations and certified community development financial institutions may not exceed the total amount of the initial investment. The legislation extends the provisions of the South Carolina Community Economic Development Act until June 30, 2023.

The committee gave a favorable report on **H.3210**, a bill providing for the **HIGH GROWTH SMALL BUSINESS JOB CREATION ACT REAUTHORIZATION**. The legislationreauthorizes the High Growth Small Business Job Creation Act for an additional six years, so that the act is set to be repealed at the end of 2025.

The committee gave a favorable report of favorable with amendments on **H.4211**. This bill revises provisions relating to the **ISSUANCE OF BONDS FOR INDUSTRIAL DEVELOPMENT PROJECTS**, so as to provide for certain public notice requirements.

The committee gave a favorable report on **H.3351**. This bill makes provisions for the **DISPOSITION OF CERTAIN DUPLICATIVE MATERIAL IN THE POSSESSION OF THE DEPARTMENT OF ARCHIVES AND HISTORY** to another public or nonprofit institution by gift or sale, and provides for the use of resulting proceeds. The legislation makes provisions for annual reporting requirements and the retention and use by the department of certain proceeds generated by its operations. The legislation implements recommendations arising from the House Legislative Oversight Committee’s review of the Department of Archives and History.

The committee gave a favorable report on **H.3485**, legislation addressing **DEPARTMENT OF ARCHIVES AND HISTORY FUNDING**. This bill implements recommendations arising from the House Legislative Oversight Committee’s review of the Department of Archives and History. The legislation revises provisions for the income tax credit for making qualified rehabilitation expenditures for a certified historic structure, so as to remove a provision allowing the Department of Archives and History to establish fees. The legislation provides that a taxpayer claiming the credit must pay a fee to the Department of Archives and History for the State Historic Preservation Grant Fund. The legislation charges the department with developing an application process. The legislation adds the Department of Archives and History to the list of check off options on the income tax return which taxpayers use to make voluntary contributions. Such voluntary contributions must be used by the department to purchase or preserve collections with significant historical value to the state.

The committee gave a favorable report on **H.4017**. This bill revises Department of Parks, Recreation and Tourism provisions to establish updated objectives for the **SOUTH CAROLINA FILM COMMISSION**. This bill makes revisions recommended by the House Legislative Oversight Committee’s study of the Department of Parks, Recreation and Tourism.

The committee gave a favorable report on **H.4018**, legislation providing for **DEPARTMENT OF PARKS, RECREATION AND TOURISM REVISIONS**. This bill makes revisions recommended by the House Legislative Oversight Committee’s study of the Department of Parks, Recreation and Tourism. The makes provisions for funds from the defunct War Between the States Heritage Preserve Commission and repeals obsolete provisions relating to the defunct commission. The legislation repeals provisions relating to the Fort Watson Revolutionary Memorial. The legislation repeals provisions relating to “Family Week in South Carolina”.

The committee gave a favorable report on **H.4019**. This bill makes revisions recommended by the House Legislative Oversight Committee’s study of the Department of Parks, Recreation and Tourism. The legislation revises Department of Parks, Recreation and Tourism provisions to remove references to residential areas on **HUNTING ISLAND**.

The committee gave a favorable report on **H.4020**, legislation addressing **PRT COMMUNITY DEVELOPMENT DUTIES**. This bill makes revisions recommended by the House Legislative Oversight Committee’s study of the Department of Parks, Recreation and Tourism. The legislation adds duties relating to community development to the general powers and duties of the Department of Parks, Recreation and Tourism and repeals provisions relating to the agency’s division of community development.

The committee gave a favorable report on **H.4021**, relating to the **USE OF CABINS AT STATE PARKS**. This bill makes revisions recommended by the House Legislative Oversight Committee’s study of the Department of Parks, Recreation and Tourism. The legislation removes the prohibition on swimming and rental or use of cabins at state parks.

The committee gave a favorable report of favorable with amendments on **H.3620**, legislation addressing **RETIREES RETURNING TO COVERED EMPLOYMENT UNDER STATE PENSIONS**. This bill revises provisions governing retirement benefits after returning to covered employment under the South Carolina Retirement System and the Police Officers Retirement System, respectively, so as to establish a protocol that allows certain retirees to return to covered employment without being subject to the ten thousand dollar earnings limitation.

**BILLS INTRODUCED IN THE**

**HOUSE THIS WEEK**

AGRICULTURE, NATURAL RESOURCES AND

ENVIRONMENTAL AFFAIRS

**S.474 *SALTWATER FINFISH* Sen. Campsen**

The bill outlines that it is unlawful for a person to take or have in possession more than ten spadefish in any one day, not to exceed thirty spadefish in any one day on any boat. The bill also provides that it is also unlawful to take, sell, purchase spadefish of less than fourteen inches in total length.

**H.4315 *HUNTING FROM CERTAIN PUBLIC ROADS AND RAILROAD RIGHTS OF WAY***

**Rep. Mace**

The bill revises and clarifies that it is unlawful to hunt from a public road.

**H.4317 *COYOTE BOUNTY PROGRAM* Rep. Hiott**

This bill creates a coyote bounty program to provide payments for adult coyotes lawfully removed from this state.

**H.4318 *SEASON FOR THE HUNTING AND TAKING OF MALE WILD TURKEY* Rep. Hixon**

Among many things, this bill establishes hunting seasons for the different game zones throughout the state. It also outlines that it is unlawful for a person to take a female wild turkey.

**EDUCATION AND PUBLIC WORKS**

**S.593 *COMMERCIAL ADVERTISEMENT BENCHES* Sen. Shealy**

This bill relates to applications by a regional transit authority or public transit operator to install commercial advertisement benches.

**H.4296 *“REINFORCING COLLEGE EDUCATION ON AMERICA’S CONSTITUTIONAL***

***HERITAGE ACT”* Rep. Loftis**

This bill enacts the “Reinforcing College Education on America’s Constitutional Heritage Act” or the “Reach Act”. This provides that each public high school must provide instruction concerning the United States Constitution, the Federalist Papers, the Declaration of Independence, and the Emancipation Proclamation to each student. The bill also provides that each institution of higher learning must provide instruction concerning the United States Constitution, the Federalist Papers, the Declaration of Independence, and the Emancipation Proclamation to each undergraduate student for three semester credit hours. This bill also repeals the section relating to the enforcement of the program of study of the United States Constitution by the State Superintendent of Education.

**H.4336 *COMMERCIAL MOTOR VEHICLE* Rep. Felder**

This bill relates to the qualifications a person must possess to drive a commercial motor vehicle, so as to provide a person who has a commercial driver license is presumed to possess the qualifications to drive a commercial motor vehicle.

**JUDICIARY**

**S.498 *SCDSS INFORMATION FOR THE CHILDREN’S TRUST FUND* Senator Shealy**

Extends access to all electronic data, along with paper records, reports, and materials maintained by the SC Department of Social Services [SCDSS] through a contract with the Children’s Trust Fund. This information must relate to *bona fide* child abuse and neglect research, evaluation of abuse and neglect prevention programs, and the assessment of service and needs gaps in these programs. In addition, SCDSS would be authorized to grant access to the records of ‘indicated cases’ in child abuse or neglect cases to them as well.

**H.4297 *SENTENCE ENHANCEMENTS FOR COMMITTING CRIMES WHILE OUT ON BOND***

**Rep. Pope**

Would allow sentencing enhancements for anyone committing violent, criminal sexual conduct, strong arm robbery, child pornography, or weapons crimes while out on bond. Also prohibits release on bond for anyone charged with committing these additional crimes.

**H.4313 *NO MORE SIMPLE POSSESSION OF MARIJUANA CRIMES* Rep. Hart**

Decriminalizes the possession of twenty-eight grams, or one ounce or less, of marijuana or ten grams or less of hashish, also known as simple possession of these substances. Law enforcement would be able to issue a civil citation to anyone possessing these amounts of these substances. However, no one could be arrested or taken into custody solely for the issuance of this citation.

[**H.4314**](https://www.scstatehouse.gov/billsearch.php?billnumbers=4314&session=123&summary=B) ***NATIONAL CONCEALED WEAPONS PERMIT RECIPROCITY ACT* Rep. Mace**

The "National Concealed Weapons Permit Reciprocity Act" allows reciprocal out-of-state concealed weapons permit holders, 21 years or older, to carry a weapon in this state. Extends exceptions to members of the active military, reserve military, and the national guard from permit requirements.

**H.4328 *PARTIALLY PRIVATIZING LAW ENFORCEMENT TRAINING FACILITIES* Rep. Mace**

Would allow multiple facilities, after signing appropriate contracts, to train law enforcement officers and criminal justice personnel. Authorizes the Law Enforcement Training Council to establish procedures for the Criminal Justice Academy, and other entities, to train law enforcement and criminal justice personnel under these contracts.

**H.4329 *RELIEF FROM RENT FOR SEXUAL ASSAULT AND DOMESTIC VIOLENCE VICTIMS* Rep. Mace**

When tenants, or tenants’ household members, are victims of domestic violence, dating violence, sexual assault, or stalking, they may terminate their rental agreements within 60 days of documented incidents. They also cannot be required to pay any penalties for any early lease terminations. Sets out notice requirements for tenants, establishes requirements for landlords, and prohibits retaliatory actions against tenants.

**H.4333 *FEDERALIZING CAMPAIGN CONTRIBUTION CAPS* Rep. Atkinson**

South Carolina campaign contribution limits and restrictions would be linked to a maximum of twice the current federal campaign contribution limits, as indexed for inflation by the Federal Election Commission.

**LABOR, COMMERCE AND INDUSTRY**

**S.109 *ALARM SYSTEM BUSINESS ACT* Sen. Massey**

This bill makes revisions to the South Carolina Alarm System Business Act that include the addition of a definition for “electric fence”.

**S.579 *AUTOMOBILE INSURANCE RATE INCREASES* Sen. Gambrell**

This bill revises provisions for required rate filings for insurers to establish conditions for when an automobile insurance rate increase may be approved.

**S.580 *INSOLVENT INSURERS* Sen. Gambrell**

This bill revises provisions governing the South Carolina Life and Accident and Health Insurance Guaranty Association to make provisions addressing impaired or insolvent member insurers.

**H.4316 *TRANSFER OF UNCLAIMED VEHICLES TO AN AUTOMOTIVE DISMANTLERS OR***

***RECYCLERS* Rep. Tallon**

This bill revises provisions governing the sale of unclaimed vehicles and the disposition of proceeds, so as to provide for the transfer of a vehicle to an automotive dismantler or recycler or secondary metals recycler for demolition, wrecking, or dismantling and not to a demolisher.

**H.4327 *FARM STRUCTURES AND BUILDING CODES* Rep. R. Williams**

This bill revises provisions relating to the inapplicability of certain building codes on farm structures, so as to revise the definition of “farm structure”.

**H.4343 *CABLE TELEVISION FRANCHISE FEE REDUCTION* Rep. Ballentine**

This bill revises provisions relating to cable television franchise fees, so as to reduce the maximum franchise fee payable under a state‑issued certificate of franchise authority from five percent of gross revenues to three percent of gross revenues.

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

**S.132 “*SOUTH CAROLINA PHYSICIAN ASSISTANTS PRACTICE ACT OF 2019”* Sen. Davis**

The bill, among many things, revises the Act to include several provisions that include expanding the responsibilities and duties of physician assistants.

**S.136 *USE OF ELECTRONIC PRESCRIPTIONS FOR CONTROLLED SUBSTANCE* Sen. Davis**

The bill allows for the use of electronic prescriptions for controlled substance. The bill also provides for exceptions.

**H.4331 *MATERNAL MORBIDITY AND MORTALITY REVIEW COMMITTEE***

**Rep. G. M. Smith**

This bill requires the State Registrar to provide necessary data from death certificates of women who died within a year of pregnancy to SCDHEC staff for review to assist in identifying maternal death information. The bill outlines the necessary data to provide.

**H.4352 *ENERGY DRINKS* Rep. Howard**

A person who sells, furnishes, gives, or distributes an energy drink to a minor under the age of eighteen is subject to a civil fine of not less than fifty dollars for each violation. An energy drink is defined as a beverage that contains a minimum of seventy‑one milligrams of caffeine per twelve fluid ounces and contains methylxanthines, B vitamins, guarana, ginseng, taurine, glucuronolactone, or any extracts or variations of these ingredients.

**H.4355 *RESTRICTIONS ON THE USE OF METHADONE* Rep. Fry**

The bill authorizes pharmacists and nurses to administer methadone in certain circumstances.

**WAYS AND MEANS**

**H.4332 *GENERAL OBLIGATION ECONOMIC DEVELOPMENT BONDS* Rep. G. M. Smith**

This bill makes revisions to the State General Obligation Economic Development Bond Act, so as to: provide further findings; provide for strategic infrastructure projects as economic development projects; and, allow for freight transportation as infrastructure.

**H.4334 *“SOUTH CAROLINA INCOME TAX ACT FOR INDIVIDUALS, TRUSTS, AND***

***ESTATES”* Rep. Pope**

This bill enacts the “South Carolina Income Tax Act for Individuals, Trusts, and Estates”, to provide, beginning with taxable year 2021, a single or “flat” rate income tax rate of 4.85 percent, phasing down over five years to a rate of 4.5 percent. The legislation changes the state’s individual income tax base from federal taxable income to federal adjusted gross income and provides for modifications to federal adjusted gross income to arrive at South Carolina taxable income. The legislation provides that these modifications include a South Carolina standard deduction, South Carolina personal exemption, South Carolina dependent exemption, and other adjustments to federal adjusted gross income, both increases and decreases, to allow a credit against a taxpayer’s income tax liability under these new tax provisions to offset double taxation when the taxpayer’s income is subject to income tax in this state and another state or jurisdiction. The legislation allows other transitional credits for credits accrued and allowed under former law that are in carryforward status after 2020.

**H.4344 *NONPROFIT LOW INCOME HOUSING PROPERTY TAX EXEMPTION***

**Rep. Herbkersman**

This bill revises property tax exemptions to exempt all property devoted to housing low income residents if the property is owned by an instrumentality of a nonprofit housing corporation.

**H.4351 *“SOUTH CAROLINA BLOCKCHAIN INDUSTRY EMPOWERMENT ACT OF 2019”***

**Rep. Clemmons**

This bill enacts the “South Carolina Blockchain Industry Empowerment Act of 2019” in order to establish this state as an incubator for tech industries seeking to develop innovation by using blockchain technology. The legislation creates the Financial Technology Sandbox for the testing of financial products and services in South Carolina.

**H.4353 *RAFFLES CONDUCTED BY NONPROFIT ORGANIZATIONS* Rep. Fry**

This bill revises provisions relating to raffles conducted by nonprofit organizations, so as to authorize nonprofit organizations recognized as tax‑exempt under federal Internal Revenue Code Section 501(c)(5) to conduct a raffle and to remove the prohibition on the use of funds raised by the raffle to purchase athletic equipment. The legislation revises standards for raffles, so as to increase the fair market value of individual prize and total prize limits.

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