**Vol. 37 February 18, 2020 No. 06**

**CONTENTS**

**HOUSE WEEK IN REVIEW 02**

**HOUSE COMMITTEE ACTION 04**

**BILLS INTRODUCED IN THE HOUSE THIS WEEK 04**

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**HOUSE WEEK IN REVIEW**

The House of Representatives amended, approved, and sent the Senate **H.4940**, a joint resolution creating a temporary **ELECTRICITY MARKET REFORM MEASURES STUDY COMMITTEE** to examine whether the legislature should adopt market reform measures affecting the provision of electric service in South Carolina and study the public benefits associated with such measures. The legislation provides for the study committee’s membership of six legislators, three members of the House of Representatives, all serving ex officio, appointed by the Chairman of the House Labor, Commerce and Industry Committee and three members of the Senate, all serving ex officio, appointed by the Chairman of the Senate Judiciary Committee. The committee includes a non-voting advisory board made up of representatives from the electrical power industry, alternative energy and renewable power developers, consumer groups, pertinent government agencies, economic sectors, and conservation advocates. Provisions are made for the study committee to engage third party, independent, expert consultants. The legislation sets a deadline of January 12, 2021, for issuing a report to the General Assembly and provides for the study committee to dissolve after making its final report.

The House returned **S.601**, a bill **SUBJECTING EMPLOYEES OF RESIDENTIAL CHILD CARE FACILITIES TO CRIMINAL BACKGROUND CHECK REQUIREMENTS**, to the Senate with amendments. The legislation enacts recommendations of the Joint Citizens and Legislative Committee on Children to bring South Carolina into compliance with federal requirements by extending the criminal background checks that are required before the Department of Social Services may place a child in a foster home or adoptive home so that these background checks are also required for employees working in residential facilities, such as child caring institutions, emergency shelters, group homes, and wilderness therapeutic camps. The legislation also expands this foster home, adoptive home, and residential facility background screening by requiring a check of the registry of child abuse and neglect in every state where an individual has previously resided, rather than those states where an individual has lived within the past five years.

The House amended and gave second reading approval to **H.4974**, a bill providing for **ADDITIONAL CIRCUIT COURT AND FAMILY COURT JUDGES**. The legislation provides for the election of two additional resident circuit court judges: one for the Fourteenth Circuit and one for the Fifteenth Circuit. The legislation provides for the election of two additional resident family court judges: one for the First Circuit and one for the Sixteenth Circuit.

The House amended, approved, and sent the Senate **H.3066**, a bill making provisions for the **DESTRUCTION OF ARREST RECORDS IN CASES OF MISTAKEN IDENTITY**. This legislation establishes requirements for the destruction of records of those arrested because of mistaken identity, establishing a 180-day deadline following the completion of investigations that prove arrests were due to mistaken identity. No investigating authority can charge or collect fees for these arrest record destructions. Provisions are included that authorize law enforcement and prosecution agencies to retain arrest and booking records, associated bench warrants, mug shots, and fingerprints under seal so that this information is exempt from disclosure, except by court order. The legislation also establishes a protocol for **DISMISSING CHARGES FOR CERTAIN OFFENSES LEFT UNRESOLVED** for more than five years and destroying records relating to arrests. Under the legislation, someone charged with certain listed offenses may petition the county solicitor for dismissal of the alleged offense that has not been adjudicated by trial or guilty plea, or otherwise disposed of or dismissed, after five years. If the petitioner has no other pending charges unrelated to the subject charge and no criminal convictions subsequent to the alleged offense, the solicitor must approve the dismissal of the offense charged and must do so within thirty days of receipt of the petition. The listed offenses include third degree simple assault and battery, public intoxication, disorderly conduct, breach of trust with fraudulent intent, open containers of alcohol in motor vehicles, trespassing, misdemeanor fraudulent check offenses, misdemeanor shoplifting, driving under suspension, simple possession of controlled substances, and similar local and state offenses that are similar to these listed crimes, in the opinion of the prosecutor. Upon dismissal of the offense, the solicitor is required to notify the State Law Enforcement Division and SLED is required to remove the pending charge from the petitioner’s criminal record within ten days. Additionally, any arrest and booking records, associated bench warrants, mug shots, and fingerprints of the person must be destroyed and no evidence of the record pertaining to the charge or associated bench warrants may be retained by any municipal, county, or state agency. An employee who intentionally violates these requirements is guilty of contempt of court.

The House amended, approved, and sent the Senate to **H.5062**, a bill that allows the option of obtaining **HARD CARD HUNTING AND FISHING LICENSES** and other wildlife permits and tags from the Department of Natural Resources that are made of plastic or similar materials so that they will be more durable than paper versions. Those who select this option are subject to a six-dollar fee of which the issuing vendor may retain one dollar.

The House amended, approved, and sent the Senate **H.5015**, a bill **ADDING SCHEDULE IV DRUGS TO THE LIST OF** **SUBSTANCES THAT THE DEPARTMENT OF NATURAL RESOURCES MAY USE FOR THE** **CAPTURE AND IMMOBILIZATION OF WILDLIFE**. The legislation expands this list of tranquilizing agents and other approved substances so that DNR will be able to use a new drug, classified as a Schedule IV controlled substance, that is particularly effective for deer and bear immobilization.

The House approved and sent the Senate **H.4702**, a bill restoring **AUTHORIZATION FOR THE RICHLAND-LEXINGTON AIRPORT COMMISSION TO OPERATE A FOREIGN TRADE ZONE** that was inadvertently removed from statutory language.

**HOUSE COMMITTEE ACTION**

AGRICULTURE, NATURAL RESOURCES AND

**ENVIRONMENTAL AFFAIRS**

The Agriculture, Natural Resources and Environmental Affairs Committee met on Thursday, February 13, 2020, and reported out two bills.

The Committee gave a favorable recommendation to **H.5108**, a bill that adopts the Federal regulations for the **MANAGEMENT OF** **COBIA** into state law. For many years the Cobia has been managed by the Federal government and now the Federal government will allow states to manage. This transfer does not change anything currently under the law.

**H.5135**, the **WATERFOWL COLLECTIBLE STAMP AND PRINT PROGRAM**, was given a favorable with amendment report by the committee. The Department of Natural Resources has reported that the sales of the Waterfowl Prints have been steadily declining over the last several years, and the program is no longer self-sustaining. In addition, it was noted that because DNR is moving towards the electronic licensing process system and purchasing the waterfowl license(s) would become part of the new system. As a result, the legislation eliminates this program as of July 2021. As a result, this will be the last year to purchase the waterfowl prints.

**BILLS INTRODUCED IN THE**

**HOUSE THIS WEEK**

AGRICULTURE, NATURAL RESOURCES AND

ENVIRONMENTAL AFFAIRS

**H.5125 *“SOUTH CAROLINA THIRTY BY THIRTY CONSERVATION ACT”* Rep. Cogswell**

This bill establishes “South Carolina Thirty By Thirty Conservation Act” outlining the goal of the state to protect thirty percent of the state from rapid development by 2030.

**H.5135 *MIGRATORY WATERFOWL* Rep. Hixon**

This bill adds that members of the family “Anatidae” which includes brants, ducks, geese, and swans are classified as migratory waterfowl. The bill also repeals Sections 50-11-20 relating to the Migratory Waterfowl Committee and 50-9-670 regarding migratory waterfowl permits.

**H.5138 *WILD TURKEY TAGS* Rep. Herbkersman**

The bill provides that no person may obtain or possess more than three wild turkey tags.

**H.5152 *“EQUINE INDUSTRY SUPPORT MEASURES STUDY COMMITTEE”* Rep. Ott**

The bill examines the potential for further growth of the equine industry in the state and the resulting economic impact.

**EDUCATION AND PUBLIC WORKS**

**H.5150 *INFRASTRUCTURE MAINTENANCE FEE ASSESSED AGAINST A VEHICLE***

**Rep. Simrill**

Currently an infrastructure maintenance fee is assessed against a vehicle upon its first registration. Among many things, this bill provides that upon its first registration this fee also applies to the first titling of a vehicle.

**H.5231 *OPERATION OF A VEHICLE UPON THE RIGHT SIDE OF A ROADWAY* Rep. Willis**

When passing a pedestrian, bicycle, tractor, golf cart, or other slow moving vehicle, the operator of a vehicle may drive on the left side of the center of a roadway in a no passing zone when such movement can be made in safety and without interfering with or endangering other traffic on the highway.

**JUDICIARY**

**H.5123 *RESTORATION TREATMENT BEFORE BEING TRIED FOR CRIMES* Rep. West**

Defines restoration treatment for anyone with mental illness or an intellectual disability. Extends the length of hospitalized restoration treatment up to 180 days for defendants found unfit to stand trial. It also would allow the South Carolina Department of Mental Health to provide restoration treatment in detention centers, or on an outpatient basis in specified circumstances.

**H.5140 *DEMANDING COMPENSATION FOR INJURIES AND DAMAGES* Rep. G. M. Smith**

This proposal would establish time-limited tort claim damage demand requirements for personal injury, bodily injury, property damage, or wrongful death losses.

**H.5151 *LIEN NOTIFICATIONS ONLINE* Rep. Willis**

As drafted, this bill would add online notifications, in addition to printed notices, as an approved method for levying on valid liens. When these on-line notices generate at least three bids, they would be deemed commercially reasonable under this proposed legislation.

**H.5227 *STOPPING AT RAILROAD CROSSINGS* Rep. R. Williams**

Drivers would have to stop at railroad crossings when there is any on-track railroad equipment present, not just for locomotives.

**H.5230 *FEMININE HYGIENE PRODUCTS AT CORRECTIONAL FACILITIES* Rep. Henegan**

If this legislation is enacted, every state correctional facility, local detention facility, jail, prison camp, and work camp would have to provide free feminine hygiene products --as defined in this bill--to inmates.

**LABOR, COMMERCE AND INDUSTRY**

**H.5139 *“FIREFIGHTER CANCER HEALTH CARE BENEFIT PLAN”* Rep. Erickson**

This bill establishes the “Firefighter Cancer Health Care Benefit Plan” to provide a supplemental insurance policy upon a firefighter being diagnosed with cancer. The legislation revises provisions for the expenditure of the tax on fire insurers to establish funding for the plan.

**H.5228 *“SAFE WATER ACT”* Rep. Clyburn**

This bill requires a private or public utility or municipality operating a public water system to provide the water purification levels for the water provided by the utility or municipality during a previous billing cycle in comparison with the minimum state water quality standards under the Safe Drinking Water Act on the customer’s water bill.

**H.5232 *UTILITIES PROHIBITED FROM RECOVERING CERTAIN NONALLOWED EXPENSES***

***FROM RATEPAYERS* Rep. Wooten**

This bill establishes provisions to prevent utilities from recovering certain nonallowed expenses from ratepayers. The legislation authorizes the Public Service Commission to evaluate utility expenses on a case-by-case basis. The legislation provides for penalties when a public utility submits a nonallowed expense to the ratepayers, and requires a public utility to pay for the cost of an audit when the Public Service Commission determines that the utility submitted a nonallowed expense. The legislation establishes provisions requiring water and sewer utilities to submit long-term infrastructure improvement plans to the Public Service Commission for review.

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

**H.5124 *TRAINING AND HIRING OF FIREFIGHTERS* Rep. Long**

The bill provides procedures through which a fire department that assumes the cost of training a firefighter may be reimbursed for the costs by other first departments that subsequently hire the firefighter within a certain period of time.

**H.5229 *TREATMENT FOR PERSON WHO APPEARS TO HAVE OVERDOSED* Rep. Sandifer**

The bill prohibits a person from tampering with the body of the person who appears to have overdosed. The bill outlines that “tamper with” means to commit any malicious act to a dead or unconscious human being including, but not limited to, disfiguring, dismembering, mutilating, burning, or moving the body, except moving a body in good faith to protect the person from additional injury or death.

**WAYS AND MEANS**

**H.5136 *PUBLIC SERVICE AUTHORITY RECOMMENDATION* Rep. Lucas**

This joint resolution provides a vehicle for the approval by the General Assembly of a recommendation on the South Carolina Public Service Authority from the Department of Administration concerning a proposed sale, alternate management, or reform of Santee Cooper.

**H.5137 *PAID FAMILY LEAVE FOR STATE EMPLOYEES* Rep. Bernstein**

This bill makes provisions for twelve weeks of paid family leave for state employees due to the birth, adoption, or foster care of a son or daughter.

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