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**HOUSE WEEK IN REVIEW**

The House of Representatives concurred in Senate amendments to **H.3653**, a bill imposing **LIMITATIONS ON NUISANCE SUITS RELATED TO MANUFACTURING AND INDUSTRIAL USES OF REAL PROPERTY**, and enrolled the legislation for ratification. Addressing situations where urban growth has prompted residential development to expand into previously outlying areas where established industrial facilities have been operating, the legislation imposes limitations on nuisance suits that nearby residents can bring against pre-existing industrial, manufacturing, transportation, and warehousing facilities that are complying with environmental permits and are otherwise operating lawfully. Affording legal protections like those already provided for agricultural operations, the legislation proposes to codify the common law defense of ‘coming to the nuisance’ as a means of promoting economic development.

The House amended, approved, and sent the Senate **H.3529**, a bill establishing the **GENERAL ASSEMBLY’S EXCLUSIVE AUTHORITY OVER THE REGULATION OF AUXILIARY CONTAINERS**, such as plastic grocery bags, disposable cups, and takeout food boxes. This legislation provides that any regulation regarding the use, disposition, sale, or any imposition of any prohibition, restriction, fee imposition, or taxation of auxiliary containers must be done only by the General Assembly. This authority supersedes and preempts any local ordinance enacted by a political subdivision, but the legislation does not apply to auxiliary container regulations adopted before January 31, 2018, including regulations with a delayed implementation date or that are conditioned on future municipal action. A municipality located within a county that has adopted an ordinance before January 31, 2018, may pass the same or similar ordinance. The legislation does not impose limitations on county or municipal ordinances regulating solid waste disposal or recycling programs. The legislation does not apply to the use of auxiliary containers within the boundaries of a State park, on a property owned by a county or municipality, such as coastal tidelands and wetlands, or on a public beach, river, or other body of water maintained by a county or municipality.

The House approved **S.297**, a bill relating to **PERFORMING SECURITY OFFICER DUTIES PENDING THE ISSUANCE OF A REGISTRATION CERTIFICATE**, and enrolled the legislation for ratification. The legislation revises provisions relating to private security officer registration certificates issued by the State Law Enforcement Division, to provide that, pending issuance of a registration certificate, a security officer may perform professional duties for up to thirty days, rather than twenty days, after receipt by SLED of his application for registration.

The House returned **S.185**, a bill providing **FUNERAL SERVICE CONSUMER PROTECTIONS** that address solicitations from remote, out-of-state companies, to the Senate with amendments. The legislation establishes provisions that target the practice of allowing or permitting an Internet service provider, unlicensed person, establishment, or entity to engage in the practice of funeral service, embalming, cremation, or conducting business as a funeral home, funeral establishment, crematory, or mortuary. Under the legislation, an advertisement must include the physical address of the funeral home, funeral establishment, mortuary, or crematory where the advertised services will be provided. The State Board of Funeral Service is charged with promulgating regulations establishing additional requirements for advertisements relating to providing funeral services, including Internet advertisements.

The House amended, approved, and sent the Senate **H.4655**, the **“SOUTH CAROLINA INSURANCE DATA SECURITY ACT”**. The legislationestablishes standards for data security and standards for the investigation of and notification to the Director of the Department of Insurance of a cybersecurity event that impacts insurance licensees.

The House approved and sent the Senate **H.4654**, a bill **REVISING FINGERPRINTING REQUIREMENTS FOR INSURANCE PRODUCER LICENSURE** including provisions that allow these criminal background screening requirements to be satisfied without submitting a new set of fingerprints when a set of fingerprints is already on file, such as when a license is being renewed.

The House approved and sent the Senate **H.4656**, a bill **UPDATING AND ENHANCING FINANCIAL SOLVENCY REQUIREMENTS FOR REINSURERS** to bring South Carolina into compliance with the most recent standards of the National Association of Insurance Commissioners so that the state can retain NAIC accreditation and continue to enjoy legal reciprocity with other states.

The House amended, approved, and sent the Senate **H.4612**, legislation authorizing **SURETY BONDS FOR GENERAL AND MECHANICAL LICENSURE APPLICANTS**. Rather than providing financial statements showing a minimum net worth, this legislation affords applicants for general and mechanical licensure the option of satisfying financial requirements by providing a surety bond in an amount of two times the required net worth for the applicant’s license group. The surety bond option is offered as a means of accommodating those who operate under an employee option stock program arrangement which makes it difficult to satisfy minimum asset requirements.

The House approved and sent the Senate **H.4827**, a joint resolution providing an **EXTENSION FOR THE SEIZURE SAFETY IN SCHOOLS STUDY COMMITTEE** so that the deadline for the committee to submit its report is January 31, 2019.

The House approved and sent the Senate **H.4868**, a bill that establishes a staggered timeline for performing required **AUDITS OF THE SOUTH CAROLINA PUBLIC EMPLOYEE BENEFIT AUTHORITY**.

The House approved and sent the Senate **H.4869**, a bill **REMOVING NOTARIZATION REQUIREMENTS FOR CERTAIN SOUTH CAROLINA PUBLIC EMPLOYEE BENEFIT AUTHORITY TRANSACTIONS** in order to better accommodate online filing.

**HOUSE COMMITTEE ACTION**

AGRICULTURE, NATURAL RESOURCES AND

**ENVIRONMENTAL AFFAIRS**

The [Agriculture, Natural Resources and Environmental Affairs](http://www.scstatehouse.gov/CommitteeInfo/houseagri.php) Committee met on Thursday, February 8, 2018 and reported out three bills.

The committee gave a favorable with amendment recommendation to **H.4807**, legislation extending **WILD TURKEY HUNTING SEASON** for certain game zones.

The committee gave a favorable report to **H.4411**, a bill abolishing the **Coastal ZONE MANAGEMENT APPELLATE PANEL**.

**H.4411**, regarding changes to the **SOUTH CAROLINA YOUTH HUNTING DAY**, was given a favorable with amendment recommendation by the committee. The legislation outlines that the South Carolina Youth Hunting Day must be held on the Saturday before the regular game zone season for hunting antlered deer only. The daily bag limit on this day is one antlered deer. The license or tag requirement is waived for the youth hunters on youth hunting day.

The legislation further outlines that youth hunters who have not completed the hunter education program, who hunt on a statewide youth hunting day must be accompanied by an adult who is at least 21 years old. As a result, the adult may not harvest or attempt to harvest game on this special day.

**JUDICIARY**

The full committee gave a favorable report, with amendment, to **H.4469 HANDICAPPED PARKING SPACE VIOLATIONS*.*** This bill would empower state, county, and city employees, who regularly issue parking violation tickets, to also issue handicapped parking space violation tickets.

It also favorably reported out **H.4478 CRIMINAL JUSTICE ACADEMY SITING**, which would authorize the academy director to determine the location of its training facility.

Last, it gave a favorable report to **H.4729 RETAIL LIQUOR SALES LIMITATIONS*.*** This legislation would prohibit the South Carolina Department of Revenue from issuing more than three liquor retailer licenses to one licensee. No partial business or personal interest in any other licenses could be obtained either. Licensed liquor wholesalers could deliver new release liquors, in bottles other than 1.75L-sized ones, to a person licensed to sell alcoholic liquors for on-premises consumption on a limited basis. New release liquors are defined as released within the prior 180 days.

**LABOR, COMMERCE AND INDUSTRY**

The House Labor, Commerce and Industry Committee met on Thursday, February 8, and reported out three bills.

The committee gave a report of favorable with amendments on **H.4643**, a bill facilitating **DIRECT PRIMARY CARE AGREEMENTS** between patients or their legal representatives and health care providers for set health care services provided in exchange for payment of a periodic fee.

The committee gave a favorable report on **H.4675**, a bill **UPDATING AND ENHANCING CAPTIVE INSURANCE PROVISIONS**. The legislation enacts changes recommended by the Department of Insurance as a means of making South Carolina more competitive in the captive insurance marketplace.

The committee gave a report of favorable with amendments on **H.4657**, a bill **UPDATING ADMINISTRATIVE PENALTIES FOR INSURERS** which enacts recommendations of the Department of Insurance.

**WAYS AND MEANS**

The Ways and Means Committee met on Wednesday, February 7, and reported out three bills.

The committee gave a favorable report on **H.4272**, a bill providing another **EXTENSION FOR THE LEXINGTON COUNTY SCHOOL DISTRICT PROPERTY TAX RELIEF ACT**, Act 378 of 2004, so that the one percent special sales and use tax imposed by the legislation is extended for an additional seven years.

The committee gave a report of favorable with amendments on **H.4077**, a bill **CODIFYING INCOME TAX CREDITS FOR THE EDUCATION OF CHILDREN WITH EXCEPTIONAL NEEDS**. These provisions have been included as a budget proviso in general appropriation acts for the last five years.

The committee gave a report of favorable with amendments on **H.4727**, legislation **RESTRUCTURING AND REAUTHORIZING THE SOUTH CAROLINA CONSERVATION BANK** on a permanent basis. The legislation revises the composition of Board of the South Carolina Conservation Bank. The legislation charges the Conservation Bank with the duty of creating and updating a conservation prioritization map. The legislation makes revisions to place a greater emphasis on public access to conserved land. The Conservation Bank must play a coordinating role with all the environmental mitigation that has been required of state agencies. The legislation prohibits the award of a grant or loan unless the funds are presently available in the trust fund. The Bank may not authorize the purchase of a conservation easement of more than $1 million without obtaining approval from the State Fiscal Accountability Authority. The Bank may award grant money to the Department of Natural Resources, the Department of Parks, Recreation and Tourism, or the Forestry Commission for the purpose of improving public access to conserved land. The legislation eliminates provisions for funding the Conservation Bank with a portion of deed recording fees that has served as a dedicated revenue stream, and instead provides for the Bank to be funded through appropriations. The legislation eliminates the requirements for the General Assembly to reauthorize the Conservation Bank periodically in order for it to continue to exist.

**BILLS INTRODUCED IN THE**

**HOUSE THIS WEEK**

AGRICULTURE, NATURAL RESOURCES AND

ENVIRONMENTAL AFFAIRS

**S.841 *CRUELTY TO ANIMALS* Agricultural and Natural Resources Committee**

Among many things, the bill adds that every four years the magistrates and municipal court judges must receive at least two hours of instruction on issues concerning animal cruelty. The bill also adds section regarding tethering of dogs and provides that a person who cruelly tethers a dog is guilty of a misdemeanor.

**H.4836** ***DAM REPAIRS*** **Rep. Ott**

For the purpose of protecting the public’s health and safety, the Department of Transportation shall proceed immediately with the process of repairing the public road or highway atop the dam of those that failed or suffered a breach between October 1, 2015 and October 15, 2015.

**H. 4887 *OFFSHORE DRILLING ACTIVITIES* Rep. Burns**

The concurrent resolution expresses the support of the South Carolina General Assembly to offshore drilling activities off South Carolina’s coast and the potential economic and environmental benefits of domestic energy production for the state.

**H.4889 *CONSERVATION EASEMENT* Rep. Delleney**

The bill allows for the holder of a conservation easement to contest an action to condemn property restricted by a conservation easement under certain circumstances.

**H.4892 *OFFSHORE OIL AND GAS EXPLORATION* Rep. McEachern**

This resolution memorializes President Donald Trump and the members of the South Carolina Congressional delegation to take action to end offshore oil and gas exploration and drilling in the coastal waters of the United States.

**H.4896 *OFFSHORE OIL AND GAS EXPLORATION* Rep. Ott**

The concurrent resolution memorializes the United States Congress and urges the members to prohibit seismic surveys or offshore oil and gas drilling off of the coast of South Carolina and to join the members of the South Carolina General Assembly in protecting the beautiful beaches, sea islands and estuaries of the state.

**EDUCATION AND PUBLIC WORKS**

**H.4858 *DR. RONALD MCNAIR DAY* Rep. Kirby**

This bill designates the twenty‑first day of October of each year as “Dr. Ronald McNair Day” in South Carolina.

**H.4876 *SCHOOL RESOURCE OFFICERS* Rep. S. Rivers**

This bill provides that public school districts shall ensure the continuous presence of school resource officers in public schools during regular operating hours.

**H.4899 *REPEAL OF ROAD USE FEES FOR NON‑MOTOR FUEL VEHICLES***

**Rep. Trantham**

This bill repeals Section 56‑3‑645 relating to additional registration requirements for certain motor vehicles (in the category of road use fees for vehicles powered by electricity, hydrogen, and fuels other than motor fuel).

**JUDICIARY**

**H.4837 *SEXUAL ABUSE AND ASSAULT STATISTICS* Rep. Norrell**

All sexual assault or abuse evidence received by the South Carolina Law Enforcement Division [SLED] forensic laboratory for analysis would be tracked under this legislation. In addition, SLED would issue quarterly reports with the number of evidence submissions it receives. Also would create the Sexual Assault Evidence Tracking and Reporting Commission.

**H.4838 *WRONGFUL CONVICTION COMPENSATION* Rep. Norrell**

Persons who are wrongfully convicted of a crime and serve time could recover the value of their losses for being wrongfully imprisoned.

**H.4850 *EXPANDING JURISDICTION FOR SENDING GENERAL SESSIONS CASE TO OTHER COURTS* Rep. Rutherford**

Criminal charges with penalties that do not exceed three years, rather than the current one year limit, could be transferred out of general sessions court under this legislation.

**H.4851 *DEACCESSIONING SURPLUS SC ARCHIVES MATERIALS***

**Rep. Felder**

Duplicate materials held by the SC Department of Archives and History [SCDAH] could be old or given to other public or nonprofit institution by gift or sale under this bill. Annual reports showing these deaccessed duplicate materials would have to be kept and any sale proceeds would have to be used for specified purposes. Also covers the disposition of certain duplicative material in the possession of SCDAH.

**H.4852 *DEATH BY FIRING SQUAD* Rep. Putnam**

Would allow death by firing squad as a capital punishment in appropriate cases, when death by lethal injection unable to be performed. Authorizes the SC Department of Corrections to propose regulations to be followed when administering the death penalty by firing squad.

**H.4853 *DEFINING BREACH OF TRUST AND FALSE PRETENSES CRIMES***

**Rep. Wheeler**

Would enact definitions for the offenses of breach of trust with fraudulent intent and obtaining signature or property by false pretenses. Also sets out specific elements for these offenses.

**H.4854 *TORTURING CHILDREN* Rep. Bannister**

Would add the term "torture" into the definition of "child abuse or neglect" to become part of the SC Children’s Code. Also would authorize the South Carolina Department of Social Services [SCDSS] to forego reasonable efforts to reunify any family committing acts of torture against their children. Torture would become a reason for terminating a parent's rights. In addition, homicide by child abuse would include children dying after being tortured or being allowed to be tortured.

**H.4855 *NO SMOKING TOBACCO PRODUCTS AROUND MINORS IN MOTOR VEHICLES* Rep. Bernstein**

It would be unlawful for anyone to smoke any tobacco product in a motor vehicle with minors present if this bill passes.

**H.4856 *KEEPING SALARY HISTORIES PRIVATE* Rep. J. E. Smith**

Specific information about prospective new employees’ prior wage histories would remain private. Employers would have to provide wage ranges for employment positions to prospective employees who request them under the provisions of this proposed legislation.

**H.4873 *SUNDAY LIQUOR SALES* Rep. Rutherford**

Sunday liquor sales could be authorized by local referendums.

**H.4879 *PREVENTING PRIVATE INVESTIGATOR CONFLICTS OF INTEREST***

**Rep. Rutherford**

Private investigation business would be prevented from knowingly representing multiple parties with opposing interests in civil or criminal matters under this bill.

**H.4897 *CITIZENS PARTICIPATION IN GOVERNMENT ACT OF 2018***

**Rep. J. E. Smith**

The Citizens Participation in Government Act of 2018 would extend civil liability immunity to citizens exercising their 1st Amendment Free Speech rights except when they do not do so to spur governmental action or an election outcome. It also contains expedited procedures for hearing motions in actions brought in opposition to a citizen's right to petition the government. Creates a toll-free hotline SC Attorney General’s office for public reporting any Act violations. Sets out remedies for Act violations, including attorney fees and cost awards to prevailing parties as well as putting violations --including the filing of SLAPP lawsuits-- under the South Carolina Frivolous Civil Proceedings Sanctions Act.

**H.4898 *FILING ANNUAL CITY AUDITS WITH THE SC COMPTROLLER GENERAL* Rep. King**

Would require annual city audits to be filed with the SC Comptroller General by January 1st each year. Cities that fail to file their annual audit could have any state funds they seek withheld until their report has been received by the SC Comptroller General.

**LABOR, COMMERCE AND INDUSTRY**

**H.4839 *REQUIRED HEALTH INSURANCE COVERAGE OF EARLY DETECTION***

***OF CARDIOVASCULAR DISEASE* Rep. Felder**

This bill establishes requirements for health maintenance organizations, individual and group health insurance policies and insurance contracts issued beginning January 1, 2019, to provide coverage for certain tests for the early detection of cardiovascular disease. The legislation revises provisions governing the Public Employee Benefit Authority to require the group health plan cover certain tests for the early detection of cardiovascular disease.

**H.4874 *ELECTROLYTIC PROCESSORS AND INDUSTRIAL UTILITIES***

**Rep. Arrington**

This bill exempts electrolytic processors from the exclusive service right of the Public Service Authority. The legislation provides that an electrolytic processor must be entitled to purchase electric energy from an industrial utility. The legislation provides that, upon request by an electrolytic processor or industrial utility, the Public Service Authority shall offer and provide transmission services and ancillary services for delivery of electric energy and capacity. The legislation provides that an industrial utility may not be an electrical utility or an electric supplier and provides that an industrial utility is not subject to the jurisdiction of the Public Service Commission.

**H.4875 *“SOUTH CAROLINA SOLAR HABITAT ACT”* Rep. Ott**

This bill establishes voluntary solar best‑management practices for commercial solar energy generation sites that provide native perennial vegetation and foraging habitats beneficial to gamebirds, songbirds, and pollinators and reduce storm water runoff and erosion at the solar generation site. The legislation provides that certificates of compliance may be issued to those that meet solar site guidelines.

**H.4877 *BOARD OF PYROTECHNIC SAFETY* Rep. Clemmons**

This bill revises the composition of the Board of Pyrotechnic Safety by designating one additional seat for a member who is a pyrotechnic retailer and eliminating one seat designated for a member of the general public.

**H.4888 *DUTIES OF THE STATE FIRE MARSHAL* Rep. G. R. Smith**

This bill requires the State Fire Marshal to publish a policies and procedures manual. The legislation authorizes the State Fire Marshal to issue fines for violations.

**WAYS AND MEANS**

**S.587 *EXTENSION OF THE SPECIAL PROPERTY TAX RATE AFTER A***

***HOMEOWNER’S DEATH* Sen. Timmons**

This bill provides that when an owner receiving the special four percent assessment rate dies, the property shall continue to receive the special assessment rate until the decedent’s estate is closed, upon the recording of a deed or deed of distribution out of the estate, or after December thirty‑first of the year following the date of death, whichever occurs first. These provisions not apply if the property is rented for more than seventy‑two days in or following the calendar year of the decedent’s death or if a change of use occurs.

**S.793 *“PROPERTY TAX PROCEDURE ACT”* Sen. Sheheen**

This bill establishes requirements for timely notification to be sent to affected counties regarding certain appeals of proposed assessments and property tax appeals by written protest. The legislation provides that no refund is due for any tax year before the three tax years immediately preceding a final determination unless the Administrative Law Court approves the refund. The legislation revises provisions for filing a refund claim, so as to require certain notifications and to provide that a failure to timely issue a written notice is considered a denial.

**H.4857 *ABANDONED BUILDINGS REHABILITATION TAX CREDITS* Rep. Cole**

This bill establishes credit limits for certain building sites, entirely placed in service after June 30, 2018, that qualify for the Abandoned Buildings Rehabilitation Tax Credit.

**H.4859 *CHURCH PROPERTY TAX EXEMPTION EXPANSION***

**Rep. G. R. Smith**

This bill expands the property tax exemption on church property so that it also includes property not owned by a church but used exclusively for church purposes.

**H.4871 *HIGH GROWTH SMALL BUSINESS JOB CREATION ACT EXTENSION***

**Rep. Loftis**

This bill reauthorizes the High Growth Small Business Job Creation Act for an additional six years.

**H.4872 *FEDERAL HOUSING TAX CREDIT APPLICATIONS* Rep. Huggins**

This bill provides that the board of commissioners shall inform the appropriate local governing body before evaluating an application for a federal housing tax credit and the applicable local governing body shall appoint nine members to a local government commission to vote with the board on the application.

**H.4880 *FUNDING FOR FLOOD REPAIRS AND PREVENTION AT***

***TOURISM‑RELATED LANDS OR AREAS* Rep. Cogswell**

This bill revises provisions governing the expenditure of the state accommodations tax, local hospitality tax, and local accommodations tax to allow the revenue to be expended for the control and repair of flooding and drainage at tourism‑related lands or areas.

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