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**HOUSE WEEK IN REVIEW**

The House of Representatives refused to concur in Senate amendments to **H.3516**, comprehensive **INFRASTRUCTURE FUNDING AND GOVERNANCE** legislation, and appointed a conference committee to address its differences with the Senate on the bill.

The House appointed a conference committee to address its differences with the Senate on **H.3720**, the General Appropriation Bill, and **H.3721**, the joint resolution making appropriations from the Capital Reserve Fund, which together comprise the $26.9 billion **FISCAL YEAR 2017-2018 STATE GOVERNMENT BUDGET**.

The House concurred in Senate amendments to **H.3587** and enrolled the legislation for ratification. The joint resolution creates a temporary **SEIZURE SAFETY IN SCHOOLS STUDY COMMITTEE** to examine such issues as: the state of epilepsy awareness among public school teachers, staff, and administrators; basic training in seizure response appropriate for school personnel; and, existing laws, regulations, and policies affecting epilepsy and seizure safety in public schools. The legislation provides for the composition of the fourteen-member committee, four of whom are legislative representatives with the others representing the medical, education and parent communities. Recommendations must be reported to the General Assembly before January 31, 2018, at which point the study committee is dissolved.

The House concurred in Senate amendments to **H.3559**, and enrolled the bill for ratification. The legislation creates the **SOUTH CAROLINA INDUSTRIAL HEMP PROGRAM** to allow for the cultivation of industrial hemp by residents of the state for potential use in such varied products as cloth, construction materials, cordage, fiber, food, fuel, paint, paper, particleboard, and plastics. Under the program, the Department of Agriculture will allow up to twenty permits for the cultivation of up to twenty acres of land per permit in the first year, up to forty permits for the cultivation of up to forty acres in the second and third years, and afterwards the department, along with institutions of higher learning, will evaluate the program to determine the number of permits to be issued and the amount of acreage permitted. When applying for a permit, each applicant, at a minimum must submit to the department, global positioning system coordinates of where the industrial hemp will be grown and such other required information as fingerprints and the appropriate fees required by the South Carolina Law Enforcement Division (SLED) to perform a fingerprint based state criminal records check and for the Federal Bureau of Investigation to perform a national fingerprint-based criminal records check. No person who has been convicted of any felony, or any person convicted of any drug‑related misdemeanor or violation in the previous ten years from the date of the application, shall be eligible to obtain a permit. Before the department will issue a permit to the applicant, the applicant must have proof of a signed purchaser with a contract. The department may charge fees to administer the program, not to exceed one thousand dollars annually per registrant. Applicants must provide written consent allowing SLED to enter onto all premises where industrial hemp is cultivated, processed, or stored for the purpose of conducting physical inspections or ensuring compliance with the program. The legislation includes requirements for periodic laboratory testing to ensure that industrial hemp crops do not have unlawfully high levels of delta‑9 tetrahydrocannabinol, and samples with unlawfully high THC levels are required to be destroyed. Criminal penalties are established to address the cultivation of industrial hemp as a means of disguising marijuana production or distribution operations. A violation is a misdemeanor that carries a term of imprisonment for up to three years and/or a fine of up to three thousand dollars. Universities are authorized to conduct research on industrial hemp as an agriculture commodity and work in conjunction with the Department of Agriculture to identify solutions for applications, applicants and new market opportunities for industrial hemp growers.

The House concurred in Senate amendments and enrolled for ratification **H.3879**, a bill **INCREASING BURIAL EXPENSES PAYABLE UNDER WORKERS’ COMPENSATION** laws for accidental workplace deaths by setting the maximum amount payable to families at twelve thousand dollars, rather than the current maximum of twenty-five hundred dollars for such funeral expenses.

The House concurred in Senate amendments to **H.3150**, legislation **REVISING ELECTIONS PROVISIONS**, and enrolled the bill for ratification. The legislation revises provisions for special elections so that the state’s calendar for setting those special election dates will allow for compliance with the requirements of the South Carolina Uniform Military and Overseas Voters Act. The legislation requires that general elections be held for uncontested municipal races by eliminating an exception that currently allows a general election not to be conducted to fill a municipal office when only one person has filed for the office and no one has filed a declaration to be a write‑in candidate.

The House concurred in Senate amendments to **H.3531** and enrolled the bill for ratification. The legislation imposes **RESTRICTIONS ON THE OWNERSHIP ofLARGE WILD CATS, NON-NATIVE BEARS AND GREAT APES** as a means of furthering conservation efforts for the welfare of vulnerable, threatened, and endangered species while protecting the public against the potential safety risks posed by holding these wild animals in captivity. The legislation’s restrictions on keeping all lions, tigers, leopards, jaguars, cougars, cheetahs, snow leopards, and clouded leopards, all bears that are not native to South Carolina and not subject to oversight by the state’s Department of Natural Resources, and all species of chimpanzees, gorillas, and orangutans do not apply to a list of exemptions, such as nonprofit animal protection organizations, veterinary hospitals, university laboratories and research facilities, and properly licensed zoos, circuses, and animal breeders. The legislation provides that it is unlawful for a person to import into, possess, keep, purchase, have custody or control of, breed, or sell within this state, by any means, a large wild cat, non‑native bear, or great ape, including transactions conducted via the Internet. Someone in legal possession of a large wild cat, non‑native bear, or great ape prior to January 1, 2018, is authorized to keep the animal for the remainder of its life subject to the conditions of the legislation which include registering the animal with the animal control authority for the city or county in which the animal is located and immediately notifying the animal control authority and local law enforcement agencies upon discovery that the animal has escaped. The possessor of the animal shall be liable for any and all costs associated with the escape, capture, and disposition of a registered animal. The legislation makes provisions for animal registration, including fees, inspections by local animal control authorities, and the confiscation of noncompliant animals. A violator of the legislation must be fined not more than one thousand dollars or imprisoned for not more than thirty days for a first offense, and must be fined not more than five thousand dollars or imprisoned for not more than ninety days for a second offense.

The House approved **S.315** and enrolled the bill for ratification. The legislation revises eligibility provisions for certain insurance high-risk zone **GRANT PROGRAMS FOR PROACTIVE HAZARD MITIGATION** home upgrades to prevent or reduce damage to residential property from such disasters as hurricanes and floods so as to provide for their distribution under a formula based on an applicant’s household income. Under the formula, greater assistance is provided for lower incomes.

The House concurred in Senate amendments and enrolled for ratification **H.3349**, a bill **UPDATING THE NURSE LICENSURE COMPACT** to make the changes that are required for South Carolina to maintain its membership in the multi-state compact.

The House approved **S.213** and enrolled the bill for ratification. The legislation revises the General Assembly’s process for electing certain non-judicial positions by creating a **JOINT LEGISLATIVE SCREENING COMMISSION** to consider candidates for the boards of trustees of state‑supported colleges and universities, the Wil Lou Gray Opportunity School, and the Old Exchange Building Commission. The legislation provides criteria to be considered by the commission in its screening of candidates and establishes procedures for investigating, nominating, and electing these trustees.

The House approved **S.570** and enrolled the bill for ratification. The legislation revises provisions governing **PLANT NURSERY** registration and fees for growers and dealers of trees, plants and shrubs.

The House approved to **S.465** and enrolled the bill for ratification. The legislation revises permitting provisions to accommodate **out of season shellfish harvesting** **IN MARICULTURE OPERATIONS** that involve the controlled cultivation of oysters and other shellfish in confinement from seed size until harvest.

The House gave second reading approval to **S.366**, a bill providing for **MORTGAGE LENDING ACT REVISIONS** to bring state law into conformity with federal standards.

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

The House gave second reading approval to **S.444**, regarding **AUTOCYCLES**. The legislation revises motor vehicle provisions to systematically replace references to an “automotive three-wheel vehicle” and similar terminology with the term “autocycle” in order to conform state law to standard manufacturers’ definitions widely adopted by states. The legislation’s revisions do not impact the licensing, titling, and registration requirements of autocycles or motorcycle three-wheel vehicles.

The House gave second reading approval to **S.334**, a bill revising provisions allowing the issuance of biennial permits and licenses for the **SALE AND CONSUMPTION OF BEER, WINE, AND LIQUOR AT SPORTS ENTERTAINMENT COMPLEXES** to include a baseball complex that hosts a professional minor league baseball team.

The House returned **S.107** to the Senate with amendments. The legislation implements in statute changes authorized with the adoption of the amendment to the South Carolina Constitution which provides for the **JOINT ELECTION OF THE GOVERNOR AND LIEUTENANT GOVERNOR** beginning with the general election of 2018. Under the revised system, a gubernatorial candidate selects a running mate for the post of Lieutenant Governor in a manner comparable to the selection of the President and Vice President at the federal level. The legislation establishes a timeline of requirements to govern the election of this joint ticket and makes provisions for the Governor and Lieutenant Governor to be considered as a single candidate under campaign contribution and election committee requirements. Beginning with the Lieutenant Governor elected in the 2018 General Election, in the case of the removal of the Lieutenant Governor from office by impeachment, death, resignation, disqualification, disability, or removal from the State, the Governor shall appoint, with the advice and consent of the Senate, a successor to fulfill the unexpired term. The Lieutenant Governor’s Office on Aging is replaced with a separate executive branch Department on Aging lead by a director who is appointed by the Governor with the advice and consent of the Senate. The legislation also requires the Agency Head Salary Commission to commission a study every four years to recommend a salary range for each state constitutional officer based on their job duties and responsibilities as well as the pay of constitutional officers in other states. The commission shall then determine a salary for each state constitutional officer within the recommended pay range subject to funding being provided in the annual appropriations act.

The House returned **S.289**, the **“SOUTH CAROLINA CRIME VICTIM SERVICES ACT”**, to the Senate with amendments. The legislation restructures the state’s various crime victim services and funds by consolidating them in a division of the Attorney General’s Office.

The House returned **S.173**, a bill providing for **CONTINUING EDUCATION ON MENTAL HEALTH ISSUES FOR LAW ENFORCEMENT OFFICERS**, to the Senate with amendments. The legislation revises continuing education requirements for law enforcement officers to incorporate mandatory training in mental health issues that covers such topics as responding to situations where individuals are experiencing a mental health or addictive disorder crisis. The legislation also makes provisions for training and counseling regarding law enforcement officers who are experiencing post‑traumatic stress disorder.

The House returned **S.359** to the Senate with amendments. The legislation removes the Department of Consumer Affairs from the process of investigating allegations of **MOTOR FUEL SALES UNFAIR TRADE PRACTICES** by providing for the Attorney General’s Office to be the only recipient of the records that sellers are required to keep as evidence that they are in compliance with fuel price requirements.

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

The House returned **S.254** to the Senate with amendments. The legislation enacts the **“OWN RISK AND SOLVENCY ASSESSMENT ACT”** to establish a framework for assessing not only the sufficiency of an insurance company’s capital resources to support the risks of its in-state business operations, but also for assessing the solvency of larger holding companies with which the insurer is affiliated.

The House returned **S.463** to the Senate with amendments. The legislation revises provisions for surplus lines insurance to include **SURPLUS DISABILITY INSURANCE** that allows for the option of purchasing disability insurance that exceeds benefit limits available under standard policies. The legislation also revises provisions for criminal background checks required under the licensure of insurers.

The House returned **S.443** to the Senate with amendments. The legislation makes provisions for a **NIGHT HUNTING PROGRAM FOR COYOTES, ARMADILLOS, AND FERAL HOGS** on property registered with the Department of Natural Resources in order to reduce the populations of these nuisance animals.

The House amended and gave second reading approval to **S.234**, a bill **REVISING CONFIDENTIALITY PROVISIONS FOR EMERGENCY MEDICAL SERVICES**. The legislation provides that the identities of patients and emergency medical technicians and information and data collected or prepared by emergency medical services are subject to subpoena in any administrative, civil, or criminal proceeding and may be released by court order. The legislation also requires the Department of Health and Human Services to issue, pursuant to its Medicaid Home and Community‑based waiver, **PERSONAL EMERGENCY RESPONSE SYSTEMS (PERS) DEVICES** to Medicaid recipients that include, in addition to emergency response services, unlimited twenty‑four hour, seven‑day a week live phone contact with experienced registered nurses for triage services.

The House amended, approved, and sent the Senate **H.3240**, a bill addressing **CONCEALABLE WEAPONS PERMIT RECIPROCITY** with other states. The legislation provides for South Carolina to honor valid out-of-state permits to carry concealable weapons held by residents of other states that recognize and honor valid South Carolina permits, so long as the out-of-state permit holders are at least twenty-one years old or are military personnel of any age.

The House amended, approved, and sent the Senate **H.3883**, a bill providing for the **“PYRAMID PROMOTIONAL SCHEME PROHIBITION ACT”** to revise the way that South Carolina laws address money-making schemes where payment is based primarily upon recruiting others into the operation rather than selling products or services. The legislation designates a pyramid promotional scheme as an unfair trade practice, entitling victims to obtain legal relief under the provisions of the South Carolina Unfair Trade Practices Act.

The House amended, approved, and sent the Senate **H.3019**, a bill revising **QUALIFICATIONS FOR CORONERS** by allowing coroners to complete certain training requirements within the year following their election. While completing training, such coroners are required to have a medical examiner or a qualified deputy coroner on staff.

**HOUSE COMMITTEE ACTION**

**JUDICIARY**

The House Judiciary Committee met Tuesday, May 2, 2017, and passed out eight bills.

The full committee voted for a favorable recommendation of **S.114 ALCOHOL MANUFACTURER NONPROFIT DONATIONS** which allows alcohol manufacturers and producers to donate their products to qualified nonprofit organizations for fundraising events with either a special or temporary alcohol permit. Establishes specific requirements nonprofit organizations must meet in order to acquire the special or temporary license.

They gave a favorable recommendation, with amendments, to **S.116 ALCOHOL SELLER LIABILITY INSURANCE*.*** It requires anyone who is permitted to sell alcohol on their premises to maintain liability insurance with total coverage of at least one million dollars during the period of the biennial permit or license. If the coverage is not maintained then the license may be suspended or revoked. Establishes what must be included in the coverage.

They also gave a favorable recommendation, with amendments, to **S.179DRUG USERS’ LIMITED IMMUNITY FROM PROSECUTION*.*** Creates limited immunity for certain statutory drug and alcohol-related offenses committed by anyone who seeks medical assistance for someone experiencing an overdose. Allows these reports to be mitigating factors in proceedings relating to other offenses. Gives civil and criminal immunity to law enforcement officers for arresting a person who is later granted this immunity as long as the officer made the arrest based on probable cause.

The entire committee gave a favorable recommendation to **S.271INMATE FUNERAL ATTENDANCE*.*** Within the discretion of the Department of Corrections, this bill gives an inmate, who has been deemed a non-security threat, a choice of attending the funeral of specified deceased family members or visiting specified hospitalized family members in danger of imminent death. These visits must take place in South Carolina and at the expense of the inmate.

The full committee gave a favorable recommendation to **S.275 BREWERY AND BREWPUB PERMITS*.*** A brewery, with SC DHEC-approved food service areas on its premises, could apply for a permit to sell alcoholic liquor by the drink in that food service area only, and under certain conditions including having a liquor, or general, liability insurance policy in effect. Also, this proposed legislation would allow a brewpub to apply for a brewery permit, if certain preconditions are met.

The full committee gave a favorable recommendation to **S.325 PROTECTIONS FOR PEOPLE WITH DISABILITIES**which provides protection and advocacy for citizens with developmental, or other, disabilities through the state nonprofit entity known as People with Disabilities Inc., formerly known as the South Carolina Protection and Advocacy System for the Handicapped.

The committee voted for a favorable recommendation to **S.448 CHILD FATALITY REPORTS*.*** The bill authorizes releasing a limited amount of specified information about child fatalities or near-fatalities contained in unfounded child abuse and neglect case records. The information being disclosed is limited to the circumstances of the incident, the age and gender of the child, relevant information of previous reports, investigations, or results of any child abuse or neglect, and services provided by the State on behalf of child that are pertinent to the child abuse or neglect.

They gave a favorable recommendation to **H.3138 FESTIVAL BEER AND WINE PERMITS**that authorizes the SC Department of Revenue to issue permits to sell beer and wine at multiple locations on multiple days at a festival via one application. Defines "festival" as a program of cultural events or entertainment.

**BILLS INTRODUCED IN THE**

**HOUSE THIS WEEK**

AGRICULTURE, NATURAL RESOURCES AND

ENVIRONMENTAL AFFAIRS

 **H.4277 *PROHIBITED* *AERIAL SPRAYING WITHIN OPERATING HOURS OF SCHOOL* Rep. Taylor**

No person piloting an aircraft shall engage in aerial spraying unless the aircraft being used has first been properly registered by the South Carolina Aeronautics Commission. The bill also outlines that a person piloting an aircraft may not engage in aerial spraying within one thousand feet of the premises of a school during regular school operating hours and when an extracurricular activity occurs on the school's premises outside of regular hours of operation including, but not limited to, athletic events, afterschool clubs, and parent-teacher conferences. Aerial spraying means aerial spraying, dusting, seeding, or any other agricultural operation or pest control.

**EDUCATION AND PUBLIC WORKS**

 **H.4285 *OUT‑OF‑SCHOOL TIME VOLUNTARY RECOGNITION PROGRAM***

 **Rep. Bernstein**

This bill creates the South Carolina Out‑Of‑School Time Voluntary Recognition Program, to create a voluntary recognition program for out‑of‑school time providers to implement evidence‑based healthy eating and physical activity and best practice standards.

**JUDICIARY**

 **H.4271 *INDEPENDENT REAPPORTIONMENT COMMISSION* Rep. J.E. Smith**

Proposes an amendment to the 1895 South Carolina Constitution to provide for an independent reapportionment commission. After the United States Census is completed, the Inspector General will choose three people to compose an applicant review panel. The review panel will choose nine members to serve on the reapportionment commission. Members of the commission cannot hold elected office in South Carolina for five years after serving.

**LABOR, COMMERCE AND INDUSTRY**

 **H.4270 *PAWNBROKER LOANS* Rep. Hill**

This bill revises provisions relating to interest and charges on loans made by pawnbrokers, so as to provide pawnbrokers shall prorate interest and charges on a daily basis and may not impose additional charges if pledged goods are redeemed in whole or in part before the expiration of any thirty‑day period or if the pledgor agrees to repay a loan in monthly periodic installments. The legislation revises provisions governing notice requirements in mandatory posted rate schedules and pawn ticket content requirements, to incorporate these revisions concerning early redemption of loans and proration of loan interest.

**WAYS AND MEANS**

 **S.648 *DISPOSAL OF SURPLUS PROPERTY BY THE MIDLANDS TECHNICAL***

 ***COLLEGE ENTERPRISE CAMPUS AUTHORITY* Sen. Scott**

This bill revises provisions relating to the disposal of surplus property by the Midlands Technical College Enterprise Campus Authority, so as to provide that the exemption of the authority from surplus property laws applies to real, personal, and mixed property in certain circumstances.

 **H.4272 *LEXINGTON COUNTY SCHOOL DISTRICT PROPERTY TAX RELIEF***

 ***ACT EXTENSION* Rep. Spires**

This bill extends the one percent sales tax imposed by Act 378 of 2004, the Lexington County School District Property Tax Relief Act, for an additional seven years.

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