**Vol. 37 January 21, 2020 No. 02**

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**HOUSE WEEK IN REVIEW**

Lawmakers returned to the State House on January 14, 2020, to commence the second regular session of the 123rd South Carolina General Assembly.

The House of Representatives approved **S.11** and enrolled the bill for ratification. The legislation provides that, if the United States Congress amends federal law to authorize states to observe **DAYLIGHT SAVING TIME** year round, it is the intent of the South Carolina General Assembly that daylight saving time be the year round standard of the entire state and all of its political subdivisions.

The House returned **S.194**, a bill addressing **PROSTITUTION AND HUMAN TRAFFICKING**, to the Senate with amendments. The legislation makes revisions to prostitution crimes that include an increase in the fines for second and subsequent misdemeanor offenses relating to soliciting prostitutes or abetting prostitution. An enhanced felony offense is established for violations involving a prostitute who is severely or profoundly mentally disabled. The legislation revises offenses of engaging in prostitution to establish an affirmative defense against prosecution for a violation when the defendant is a victim of human trafficking. The legislation adopts recommendations for eradicating human trafficking from the organization Shared Hope International. These initiatives include: the establishment of criminal offenses for combatting sex tourism enterprises more effectively; the inclusion of human trafficking among the offenses for which law enforcement may seek a court order authorizing wiretapping or the interception of electronic communications to further their criminal investigations; provisions for appointing special advocates trained in handling human trafficking cases to assist minor victims; and, enhancements to training on trafficking in persons and sex trafficking for law enforcement personnel, prosecutors, and judges.

The House appointed a conference committee to address its differences with the Senate on **S.16**, legislation that increases the maximum amount of a medication that may be dispensed through **EMERGENCY REFILLS OF PRESCRIPTIONS BY PHARMACISTS**.

The House amended Senate amendments to **H.3174** and returned the bill to the Senate. This bill establishes technical specifications for **ELECTRIC‑ASSIST BICYCLES** and bicycles with helper motors and provides that those who operate these low-speed electrically assisted bicycles are subject to all statutory provisions that apply to bicyclists. The legislation includes labelling requirements for these bicycles to indicate their wattage and maximum electrically assisted speed. The legislation specifies that electric-assist bicycles and bicycles with helper motors are not mopeds.

The House amended Senate amendments to **H.4244** and returned the bill to the Senate. The legislation makes 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 House returned **S.580** to the Senate with amendments. This bill revises provisions governing the South Carolina Life and Accident and Health Insurance Guaranty Association to adopt national model standards for addressing **IMPAIRED OR INSOLVENT INSURERS**.

The House approved and sent the Senate **H.4533**, a bill renaming the state’s Commission for Minority Affairs the **COMMISSION FOR MINORITY AND MULTICULTURAL AFFAIRS**.

**HOUSE COMMITTEE ACTION**

AGRICULTURE, NATURAL RESOURCES AND

**ENVIRONMENTAL AFFAIRS**

The full Agriculture, Natural Resources and Environmental Affairs Committee met on Thursday, January 16, 2020, and discussed and reported out two bills.

**H.4504**, a bill that strengthens DHEC’s authority for making decisions concerning **WASTE TIRE MANAGEMENT**, was given a favorable with amendment recommendation by the committee. The bill increases the criminal penalties for violating waste tire regulations and allows DHEC to promulgate additional requirements. These additional requirements will allow DHEC to inspect waste tire processing facilities to ensure compliance and invoke sanctions for recyclers who are not in compliant. The amendment removes solid waste facilities from the scope of these regulations.

The committee also gave a recommendation with amendment to **H.4811**, a bill revising beachfront management restrictions placed on erosion control structures or devices seaward of the setback line to allow for the placement of shoreline perpendicular **WINGWALLS** that extend landward at a 90 degree angle from the ends of existing erosion control structures or devices that are consistent in height with the existing erosion control structures to which they are attached, subject to any special conditions imposed by the Department of Health and Environmental Control.

**LABOR, COMMERCE AND INDUSTRY**

The House Labor, Commerce and Industry Committee met on Thursday, January 16, and gave a favorable report on **H.4827**, a joint resolution authorizing an **EXTENSION OF SOUTH CAROLINA PUBLIC SERVICE COMMISSION CANDIDATE SCREENING** to provide an opportunity to find additional candidates to present to the General Assembly for election to the commission that oversees public utilities. The legislation authorizes an extension in screening for candidates for PSC Seats 1, 3, 5, and 7 that allows the Public Utilities Review Committee to accept applications for a time period beginning Monday, February 3, 2020, through noon on Friday, February 28, 2020. Provisions are made for advertising these positions.

**BILLS INTRODUCED IN THE**

**HOUSE THIS WEEK**

AGRICULTURE, NATURAL RESOURCES AND

ENVIRONMENTAL AFFAIRS

 **H.4831 *NONNATIVE CAPTIVE WILDLIFE* Rep. Hixon**

Among many things this bill adds provisions that prohibit the release of nonnative captive wildlife in the state. The bill also revises and adds definitions.

 **H.4833 EMINENT DOMAIN BY PIPELINE COMPANIES Rep. Hixon**

After June 30, 2020, any construction of a new petroleum pipeline or an extension requires a permit from the Department of Health and Environmental Control. Such permit is required without regard to whether the petroleum pipeline company intends to exercise any power of eminent domain.

 **H.4936 *POSSESSION OF NONGAME FISH DEVICES* Rep. Ott**

Currently it is unlawful for a person to have in possession game fish, except live bream on certain water bodies where permitted as live bait, or game fish devices while possessing or using nongame devices. This bill deletes the possession of game fish devices while using nongame devices.

 **H.4945 *CERTAIN EROSION CONTROL STRUCTURES* Rep. Hewitt**

Regarding the construction seaward of the baseline, this bill allows for certain erosion control structures to have the damage assessment based on a single distinct continuous seawall rather than on a lot by lot basis.

 **H.4952 *DAMS* Rep. Ott**

This bill provides that the owner of a dam which fails or failed on or after October 1, 2015, which has a public road or highway running across the top of it, must provide written notification to the Department of Transportation and the Department of Health and Environmental Control indicating whether the owner intends to repair the dam and the date repairs are to be completed.

**EDUCATION AND PUBLIC WORKS**

 **H.4832 *SAFE* *OPERATING DISTANCE BETWEEN A MOTOR VEHICLE AND A BICYCLE***

 **Rep. Hixon**

The bill clarifies “safe operating distance” to mean not less than three feet and must be maintained until the driver of the motor vehicle has clearance to pass the bicycle safely.

 **H.4835 *MOTOR VEHICLE DRIVEN UPON THE RIGHT HALF OF A ROADWAY* Rep. West**

The provision provides restrictions on driving a motor vehicle on a roadway having at least two lanes allowing movement in the same direction. The provision also provides for penalties.

 **H.4960 *“FORMING OPEN AND ROBUST UNIVERSITY MINDS (FORUM) ACT OF 2020”***

 **Rep. G. M. Smith**

This bill enacts the “Forming Open and Robust University Minds (FORUM) ACT of 2020”. It outlines that a public institution of higher learning may not deny any student organization registration, recognition, or any benefit or privilege available to another student organization, or otherwise discriminate against such an organization, based on the content or viewpoint of the expression or beliefs of the organization.

**JUDICIARY**

 **H.4937 *BANNING ELECTRONIC GAMING DEVICES* Rep. Fry**

Clarifies what electronic gaming devices are prohibited. Expands the definition of nonprofit organizations to include those tax-exempt under Internal Revenue Code Section 501(c)(5), as is currently being done for 501(c)(3) entities. Defines the term "electronic gaming device." Authorizes these 501(c)(5) nonprofit organizations to conduct raffles. Removes the prohibition against using collected raffle funds to purchase athletic equipment. Increases the fair market value of individual, and total, prize limits. Allows the submission of one report for nonprofit organizations with affiliates or subsidiaries. Establishes certain record keeping requirements. It also repeals sunsetting charitable raffles, which is currently set for July 1, 2020.

 **H.4939 *RAISING AUTOMOBILE INSURANCE MINIMUM LIABILITY LIMITS***

 **Rep. Rutherford**

Amends minimum limits for automobile insurance policies to require $150,000 minimum limits, for each person dying an accidental death due to a wreck.

 **H.4956 *FAILURE TO STOP FOR A BLUE LIGHT OR SIREN SENTENCING REFORM***

 **Rep. Thayer**

The criminal offense, of failure to stop a motor vehicle when signaled by a law enforcement vehicle to do so, would be modified to create first and second offenses. Punishment would also depend upon whether great bodily injury or death results from violations.

 **H.4958 *DELAYING NAMING PUBLIC BUILDINGS FOR DECEASED OFFICIALS* Rep. Huggins**

Prohibits naming public property, procured with state funds, for any elected or appointed official, commissioner, director, or judge until at least five years have passed since that person has died. Any public property already named for living people who are later convicted of any felony, or crimes of moral turpitude, must have their names removed.

 **H.4963 WINE, FORTIFIED WINES, CORDIALS, AND DISTILLED SPIRITS SAMPLES**

 **Rep. Tallon**

Producers or wholesalers could furnish a total of up to 3 liters of wine, fortified wine, cordial, or distilled spirit samples to retailers each year.

**LABOR, COMMERCE AND INDUSTRY**

 **H.4826 *“DEPARTMENT OF LABOR, LICENSING AND REGULATION OVERSIGHT***

 ***RECOMMENDATION IMPLEMENTATION ACT”* Rep. Hixon**

This bill implements multiple recommendations arising from the House Legislative Oversight Committee’s study of the Department of Labor, Licensing and Regulation.

 **H.4827 *EXTENSION OF SOUTH CAROLINA PUBLIC SERVICE COMMISSION CANDIDATE***

 ***SCREENING* Rep. Lucas**

This joint resolution provides that the Public Utilities Review Committee shall extend candidate screening for candidates for the South Carolina Public Service Commission Seats 1, 3, 5, and 7. Provisions are made for additional time for advertising these positions. The legislation provides that the Public Utilities Review Committee shall accept applications for a time period beginning Monday, February 3, 2020, through noon on Friday, February 28, 2020, and provides for who the committee may consider. The legislation establishes when transcripts from the public hearings must be released.

 **H.4828 *“SOUTH CAROLINA PRIVATE FLOOD INSURANCE ACT”* Rep. Sandifer**

This bill enacts the “South Carolina Private Flood Insurance Act” to advance different types of flood insurance coverage for the benefit of consumers and insurers.

 **H.4829 *REINSURANCE CREDITS* Rep. Sandifer**

This bill revises provisions relating to reinsurance credits, so as to, among other things, adopt the Reciprocal Jurisdiction Amendment from the National Association of Insurance Commissioners (NAIC) model law and to make other conforming changes.

 **H.4830 *BURYING EXISTING OVERHEAD ELECTRICAL POWER TRANSMISSION LINES IN***

 ***MUNICIPALITIES* Rep. G. M. Smith**

This bill authorizes South Carolina municipalities to contract with properly licensed, certified, and insured public utility-electrical contractors or mechanical-electrical contractors to bury existing overhead electrical power transmission lines located within the boundaries of the municipality. The legislation requires electric utilities and electric cooperatives operating in this state to cooperate fully with municipalities that seek to bury existing overhead electrical power transmission lines.

 **H.4834 *QUALIFICATIONS UNDER THE NURSE PRACTICE ACT* Rep. West**

This bill revises definitions under the Nurse Practice Act, so as to clarify the academic qualifications required for certified registered nurse anesthetists. The legislation revises provisions relating to qualifications that certified registered nurse anesthetists must demonstrate to the Board of Nursing, so as to clarify the academic qualifications required for certain licensees.

 **H.4940 *ELECTRICITY MARKET REFORM MEASURES STUDY COMMITTEE* Rep. Sandifer**

This joint resolution creates 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 membership of the study committee and makes provisions for engaging a third party, independent, expert consultant. The legislation sets a deadline of March 15, 2021, for issuing a report to the General Assembly and provides for the study committee to dissolve after making its report.

 **H.4943 *SOUTH CAROLINA RURAL COMMUNICATIONS INFRASTRUCTURE STUDY***

 ***COMMITTEE* Rep. Sandifer**

This joint resolution creates a temporary South Carolina Rural Communications Infrastructure Study Committee to address access to communications services, including broadband, internet, voice, and cellular. The legislation provides for the membership of the study committee, sets a deadline of January 1, 2021, for issuing a report to the General Assembly, and provides for the study committee to dissolve after making its report.

 **H.4953 *STATE INSURANCE PLAN COVERAGE FOR SPOUSES* Rep. S. Williams**

This bill provides that, beginning January 1, 2021, a person insured by the state insurance plan as a covered spouse who obtains employment making him eligible for coverage under the state plan may remain covered under the family plan of his spouse.

 **H.4957 *SPECIAL MUNICIPAL COUNCIL MEMBERS TO REPRESENT NONRESIDENT WATER***

 ***AND SEWER CUSTOMERS WHO ARE CHARGED HIGHER RATES* Rep. Huggins**

This bill makes provisions for the election of additional members to municipal councils to represent nonresident residential municipal water and sewer customers when these customers are charged higher rates for these utilities than are residential customers within the municipality’s boundaries. The legislation provides that these special council members are allowed to vote only on matters relating to utility operations.

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

 **H.4938 *ELECTRONIC PRESCRIPTIONS* Rep. Ridgeway**

A practitioner who writes a prescription for a controlled substance included in Schedules II through V that does not exceed a five-day supply for the patient is an added exception to the electronic prescribing requirements.

 **H.4954 *COUNTY VETERANS’ AFFAIRS OFFICES* Rep. S. Williams**

After June 30, 2020, each county veterans’ affairs office shall offer and provide free transportation services to county veterans who require assistance traveling to and from Department of Veterans Affairs health care facilities for scheduled medical appointments and authorized non VA health care appointments.

 **H.4959 *HOMEOWNERS OR TENANTS FLYING THE UNITED STATES* FLAG Rep. Huggins**

The bill outlines that notwithstanding the provisions of any homeowners’ association governing documents or contractual provisions or covenants, this bill provides that the right includes the right to display the flag on a flagpole installed at the premises.

**WAYS AND MEANS**

 **H.4823 *ALLOCATION OF HIGHWAY FUNDS TO FIRMS OWNED AND CONTROLLED BY***

 ***DISADVANTAGED ETHNIC GROUPS OR WOMEN* Rep. Weeks**

This bill revises the provision governing the allocation of state source highway funds for construction and renovation projects to firms owned and controlled by disadvantaged ethnic groups or women, so as to provide that this provision also applies to funds on contractors or consultants for certain projects that include building construction and maintenance. The legislation eliminates the estimated value of contracts covered by this provision. The legislation provides that this provision covers subcontracts. The legislation authorizes the Department of Transportation and counties to establish subcontracting goals to obtain participation in the contracting process by ethnic groups and women.

 **H.4824 *STATE EMPLOYEE COMPENSATION* Rep. Cobb-Hunter**

This bill directs the Office of Human Resources of the Department of Administration to implement the recommendations of a study on the state’s classification and compensation system. The legislation makes provisions for each pay band to be increased annually to account for inflation.

 **H.4836 *STATEWIDE EXPANSION OF THE SOUTH CAROLINA CHILD EARLY READING***

 ***DEVELOPMENT AND EDUCATION PROGRAM* Rep. Lucas**

This bill revises provisions for the school districts included in the South Carolina Child Early Reading Development and Education Program, so as to expand the program statewide beginning with the 2021-2022 School Year. The legislation makes the program available to any child who meets certain eligibility requirements regardless of residency. The legislation revises eligibility criteria for enrollment in the program to include children scoring at or below the twenty fifth national percentile on certain testing regardless of income level, subject to space availability.

 **H.4955 *RETURN TO COVERED EMPLOYMENT UNDER STATE RETIREMENT SYSTEMS***

 **Rep. S. Williams**

This bill revises provisions relating to the amount of compensation that may be earned upon returning to covered employment under the South Carolina Retirement System, so as to exempt certified educators and administrators, firefighters, and individuals employed by a county from the earnings limitation. The legislation revises provisions relating to the amount of compensation that may be earned upon returning to covered employment under the Police Officers Retirement System, so as to eliminate the earnings limitation.

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