**Vol. 37 March 3, 2020 No. 08**

**CONTENTS**

**HOUSE WEEK IN REVIEW 02**

**HOUSE COMMITTEE ACTION 04**

**BILLS INTRODUCED IN THE HOUSE THIS WEEK 06**

***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 amended, approved, and sent the Senate **H.4431**, a bill to enact the **“SOUTH CAROLINA BUSINESS LICENSE TAX STANDARDIZATION ACT”** as a means of: reducing the complexity of complying with the business license taxes imposed by counties and municipalities by bringing statewide uniformity to the deadlines, application forms, and various other parts of the process; enhancing convenience for businesses by allowing them to pay taxes owed in multiple jurisdictions using a one-stop-shopping online portal; and, allowing counties and municipalities to receive the full amounts they are owed for business licenses without subtracting the portion that has been charged in fees by third parties collecting the taxes. The legislation imposes statewide standardization upon many aspects of the business license taxes imposed by counties and municipalities, including: a single timeline for issuing and renewing licenses and imposing penalties; standards for computing taxes based upon the gross income of the business; a uniform business license application established and provided by the Director of the Revenue and Fiscal Affairs Office; a protocol for issuing refunds to businesses; requirements for taxing jurisdictions to make use of the Standardized Business License Class Schedule as recommended by the Municipal Association of South Carolina and adopted by the Director of the Revenue and Fiscal Affairs Office; requirements for the Municipal Association to determine and revise this Standardized Business License Class Schedule every even year using the latest available nationwide Internal Revenue Service statistics for the calculation of profitability of businesses and using the latest business classification codes of the North American Industry Classification System (NAICS); and, a protocol that allows county and city councils to approve reasonable subclassifications. Provisions are made for a centralized online portal hosted and managed by the Revenue and Fiscal Affairs Office which businesses may use to pay the various license taxes imposed in multiple jurisdictions. In addition to allowing a payment through the business license tax portal, a taxing jurisdiction shall allow a taxpayer to file and pay its business license tax in person at a location within the taxing jurisdiction, by telephone, or by mail. The legislation imposes a prohibition on a private third-party assessing or collecting business license taxes or requiring businesses to remit confidential tax data on behalf of a taxing jurisdiction. Restrictions are imposed on how a taxing jurisdiction may contract with a third party to assist in the collection of business license taxes. The legislation disallows arrangements where a private sector auditing firm or other third party is paid on a contingency fee or success basis. Enforcement measures are provided which authorize the South Carolina Department of Consumer Affairs award to civil penalties to taxpayers for violations. The legislation provides an exemption from business license taxes for charitable organizations that covers their nonprofit activities.

The House amended, approved, and sent the Senate **H.4761**, a bill providing for **“SOUTH CAROLINA** **READ TO SUCCEED ACT” ENHANCEMENTS** that emphasize early intervention for students who are having difficulty learning to read so that they can receive needed instruction before reaching the time when a low score on a literacy assessment can require a student to repeat the third grade. Under the legislation, the State Board of Education is charged with approving no more than five reliable and valid early literacy and numeracy screening assessment instruments for selection and use by school districts in kindergarten through third grade. Assessments must be given at the beginning of the school year. For students who need additional assistance, the screening will also occur during the middle and end of the school year. Assessment results must be reported to the State Department of Education which is responsible for monitoring student progress. Read to Succeed Act provisions are revised to require that districts provide appropriate in-class intervention and at least thirty minutes of supplemental intervention by certified teachers who have a literacy add on endorsement until all students are at grade level. School districts must offer a summer reading camp as intervention for any student enrolled in the first or second grade who is substantially not demonstrating proficiency in reading, based upon the universal screening process. The legislation replaces the current “Not Met 1” benchmark for student retention, and provides, instead that a student must be retained in the third grade if the student fails to demonstrate reading proficiency at the end of the third grade as indicated by scoring at the lowest achievement level on the state summative English/language arts assessment which indicates that the student needs substantial academic support to be prepared for the next grade level. Districts are encouraged to develop policies for intensive support and retention of students in kindergarten through second grade if it is determined to be in the student’s best interest. The reading portfolio exemption from retention is strengthened. When exemptions from retention are granted because of appeals by students’ parents or guardians, school districts are required to report on the number of appeals made, the number granted, and the outcome of the students whose appeals are successful. More specific job duties and position requirements are established for reading coaches. The State Department of Education must screen and approve reading coaches for districts where more than one-third of third grade students score at the lowest achievement level on the state English/language arts assessment. Early childhood, elementary, and special education teacher candidates must pass a test on reading instruction and intervention before they can be certified. The Commission on Higher Education and the Learning Disorders Taskforce are charged with examining the effectiveness of teacher education programs with regard to diagnosing and assisting students with reading difficulties.

The House amended, approved, and sent the Senate **H.3328**, a bill revising **SCHOOL LUNCH** provisions. The legislation provides that students eligible for free and reduced meal benefits must be offered the same federally reimbursable meal as students not eligible for these federal free and reduced meal provisions. Federally reimbursable meals must be offered even if the student owes money for previous meals. Schools that offer food and beverages separate from federally reimbursable meals may not allow students to accrue a balance when purchasing items, and only may accept cash payment or allow funds to be electronically drawn from a prepaid balance. A school or school district may not invoke penalties for failing to pay for a school lunch, such as prohibiting students from attending field trips, participating in graduation or other recognition ceremonies, or attending other academic-related activities. The State Department of Education is charged with developing and providing a model policy and template to each school district regarding the collection of school meal debt.

The House approved and sent the Senate **H.4765**, a bill imposing **LIMITATIONS ON COLLECTING SCHOOL MEAL PROGRAM DEBTS**. The legislation prohibits a public school or school district from using a debt collection service to collect debts owed on a school lunch or breakfast account of a student. A public school or school district may not assess or collect any interest, fees, or other such monetary penalties for outstanding debts on student school lunch or breakfast accounts.

The House amended, approved, and sent the Senate **H.4758**, a bill providing authority for **ALTERNATIVE PROGRAMS FOR EDUCATOR PREPARATION AND CERTIFICATION** as a means of addressing current teacher shortages. Under the legislation, educator preparation programs housed within an institution of higher education may submit a separate and distinct educator preparation program for alternative preparation to the State Board of Education for approval. The board shall promulgate regulations concerning the granting of approval, cyclical review, and revocation of approval for alternative educator preparation programs. The State Department of Education is charged with providing each college of education and state-approved educator preparation program with information evaluating the performance its graduates on a yearly basis so that this information may be used to improve education services.

**HOUSE COMMITTEE ACTION**

**EDUCATION AND PUBLIC WORKS**

The House Education and Public Works Committee met on Tuesday, February 25, and reported out several bills.

The committee gave a report of favorable with amendments on **S.635**. The legislation authorizes the Department of Motor Vehicles to issue **“DRIVERS FOR A CURE” SPECIAL LICENSE PLATES** to support medical research that combats cancer. Proceeds from the plates must be distributed evenly between the Medical University of South Carolina Hollings Cancer Center and the Duke Cancer Institute. The legislation also authorizes the issuance of **AIR MEDAL SPECIAL LICENSE PLATES** to those who have been awarded the medal in the course of their military service.

The committee gave a report of favorable with amendments on **H.4696**, a bill providing for **SCHOOL BUS SAFETY** measures. The legislation enhances penalties for drivers who unlawfully pass a stopped school bus. For a first offense, the current minimum fine of five hundred dollars is doubled to one thousand dollars and a maximum fine of two thousand dollars is established. The Department of Motor Vehicles shall suspend the driver’s license of a person convicted of a first offense for thirty days. If he is imprisoned, the suspension shall run for the term of imprisonment plus thirty days. For a second or subsequent offense, the minimum fine of two thousand dollars is increased to five thousand dollars and the maximum fine of five thousand dollars is increased to ten thousand dollars. The minimum term of imprisonment for a second or subsequent violation is increased from thirty days to six months and the maximum term is increased from sixty days to one year. The DMV shall suspend the driver’s license of a person convicted of a second or subsequent violation for six months. If the person is imprisoned, the suspension shall run for the term of imprisonment plus six months. The legislation increases penalties for felony violations where drivers cause great bodily injury or death to a pedestrian. For a felony violation involving great bodily injury, the minimum fine is increased from five thousand dollars to ten thousand dollars, the maximum fine is increased from ten thousand dollars to fifteen thousand dollars, and the minimum term of imprisonment is increased from sixty days to six months. For a felony violation involving death, the minimum fine is increased from ten thousand dollars to fifteen thousand dollars. Under the legislation, violations also require successful completion of a classroom course in driver’s safety before reinstatement of driving privileges. All fines collected for violations are to be sent to the South Carolina Department of Education for the purchase of digital recording devices mounted on school buses and school bus extended stop arms. The legislation authorizes the State Superintendent of Education to overrule the decision of a local school district regarding the placement of a student school bus stop when the Superintendent determines the location of a bus stop to be dangerous. The legislation designates the month of August of each year as “School Bus Safety Month” in South Carolina.

The committee gave a favorable report on **H.4694**. This bill revises the blanket prohibition that makes it unlawful for a school bus to pass another school bus by establishing an exception which provides that **A SCHOOL BUS MAY PASS ANOTHER SCHOOL BUS ON A MULTILANE HIGHWAY**.

The committee gave a report of favorable with amendments on **H.4835**, a bill establishing the crime of **IMPROPER DRIVING IN THE LEFT LANE** of an interstate highway in a way that impedes the flow of traffic. The legislation provides that on any controlled access roadway having two or more lanes allowing movement in the same direction, a driver may not continue to operate a motor vehicle in the furthermost left hand lane if the driver knows or reasonably should know that he is being overtaken in that lane from the rear by a motor vehicle traveling at a higher rate of speed. This does not apply to a driver operating a vehicle that is overtaking another vehicle proceeding in the same direction, or when a driver of a tractor-trailer commercial motor vehicle combination is unable to move into the right lane safely due to other vehicles overtaking or passing his vehicle on the right, or when a driver of a vehicle requiring a commercial drivers license is unable to move into the right lane safely due to a highway grade or other vehicles overtaking or passing his vehicle on the right. A violation is a misdemeanor punished by a fine of two hundred dollars or by imprisonment for not more than thirty days, and the assessment of two points against the driver’s motor vehicle operating record. A driver of a vehicle requiring a commercial drivers license may not, however, be fined more than fifty dollars and no points may be assessed against his driving record for failing to comply. The Department of Transportation must place signs along the interstate highways directing slower traffic to move right. These signs must be placed at intervals of no greater than every thirty-five miles.

**JUDICIARY**

The House Judiciary Committee met Tuesday, February 25th, and reported out the following bills:

The Committee favorably reported out **H.4078 ELECTRONIC FILING OF GENERAL ASSEMBLY COMMITTEE REPORTS.** It requires reports submitted by standing committees, or any other committee created by the General Assembly, to be electronically filed with the Legislative Services Agency [LSA].

**H.4710 YOUTH ACCESS TO TOBACCO PREVENTION ACT OF 2020** received a favorable report after being amended in subcommittee, which was also adopted. The "Youth Access to Tobacco Prevention Act of 2006" would be updated to include ‘vapor products’ and alternative nicotine products under definitions of tobacco products. Mandatory public school comprehensive tobacco-free campus policies would have to include these products under their purview.

A favorable report was given to **H.4800 JOINT CITIZENS AND LEGISLATIVE COMMITTEE ON CHILD****REN REAUTHORIZATION.** It, in effect, reauthorizes the Joint Citizens and Legislative Committee on Children so that it can continue its work through December 31, 2030.

**H.4937 BANNING ELECTRONIC GAMING** **DEVICES** received a favorable report, with amendment.As reported out by the committee, this legislation increases maximum gift values from $40,000 to $80,000, and the maximum aggregate value of all gifts from $250,000 to $300,000. Authorizes 501(c)(5) nonprofit organizations to conduct raffles. Removes the prohibition against using collected raffle funds to purchase athletic equipment. 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.

A favorable report, as amended, was given to **H.4963 WINE, FORTIFIED WINES, CORDIALS, AND DISTI****LLED SPIRITS SAMPLES.** In its current version, 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. The amendment requires the removal of all sample bottles, whether full or not, at the conclusion of a sampling event.

**BILLS INTRODUCED IN THE**

**HOUSE THIS WEEK**

AGRICULTURE, NATURAL RESOURCES AND

ENVIRONMENTAL AFFAIRS

**H.5306 *ASSESSMENT OF REAL PROPERTY* Rep. Chumley**

The bill adds that when real property which is in agricultural use and is being valued, assessed and taxed is applied to a use other than agricultural use, any new residence or structure built on that real property is subject to a reciprocal setback at the time a construction permit is issued.

**JUDICIARY**

**S.867 ABSENTEE BALLOT PROCEDURES Senator Campsen**

Modifies the process for examining return-addressed envelopes containing absentee ballots. This review can begin at 9:00 a.m. on the calendar day immediately preceding Election Day. To gain approval for non-paper voting machines, new requirements are set out for the State Election Commission [SEC]. Requires our SEC to install software updates in all of its electronic voting machines. These updates must allow challenges to absentee votes cast using these machines. These challenges must match procedures for electronic voting machines used in the 2018 General Election.

**H.5276 CONVERTING NONPROFITS TO LIMITED LIABILITY ENTITIES Rep. Elliott**

This legislation sets out a process for converting nonprofit corporations to limited liability companies. In addition, it sets out a process for corporations to become limited liability corporations. Allows mergers of nonprofit corporations. Limits mergers by public benefit or religious corporations.

**H.5283 SEX OFFENDER REGISTRY STUDY COMMITTEE Rep. Bannister**

This joint resolution would establish a Sex Offender Registry Study Committee. This group would be charged with the responsibility of studying our state Sex Offender Registry in general, offenses that place anyone on it, and how long a listed person should remain on it. Also sets out who will be a study committee member. Requires a report to the General Assembly.

**H.5284 TELECOMMUNICATIONS INFORMATION TO LAW ENFORCEMENT Rep. Daning**

Wireless telecommunication carriers would have to give caller location information to law enforcement agencies in specified instances. These incidents include calls for emergency services and other emergencies involving risk of death or serious physical harm. Exempts wireless service providers who share this information with law enforcement from civil or criminal actions under certain circumstances. SLED would be responsible for obtaining user contact information from these wireless service providers.

**H.5287 DEFINING ANTI-SEMITISM Rep. Clemmons**

Sets out the definition of "anti-Semitism" for use by our State Human Affairs Commission to use when investigating these complaints of discrimination.

**H.5288 PARTISAN VOTING PREREQUISITES Rep. Long**

Voters could not participate in partisan primary elections or referendums unless they have registered as being a member of that party, or registered as an independent. When applying to become a registered voter, applicants would have to state their political party affiliation, if any, on their application forms. It would also be included in the oath. The State Election Commission would archive this data. Sets out a procedure for changing political party affiliation, or nonaffiliation, after a selection has been made.

**H.5317 SECOND AMENDMENT PROTECTION ACT Rep. White**

The "Second Amendment Protection Act" would exclude from federal regulation any personal firearm, firearm accessory, or ammunition manufactured commercially, or privately, and owned in this state. As long as any personal firearm, firearm accessory, or ammunition remains within South Carolina, it would not be subject to any federal law, regulation, or authority. To this end, federal agents or federally-contracted employees, state employees, or local authorities would be prohibited from enforcing any federal regulations or laws governing any of these personal firearms, firearm accessories, or ammunition. In addition, as long as any of it remains within South Carolina, these authorities could not arrest or detain any owner prior to trial for violations of this Act. As a final feature, the SC Attorney General could seek injunctive relief to enjoin certain federal officials from enforcing federal laws against these in-state made items.

**LABOR, COMMERCE AND INDUSTRY**

**H.5308 *“SOUTH CAROLINA CALL CENTER JOBS ACT”* Rep. Mack**

This bill establishes protections for employees of call centers whose employer relocates or intends to relocate to a foreign country. The legislation makes provisions for notice requirements and other requirements with regard to these employers, and establishes certain civil penalties and other sanctions against them for specific violations.

**H.5309 *TRANSPORTATION NETWORK COMPANY ACT REVISIONS* Rep. Stavrinakis**

This bill amends the Transportation Network Company Act to revise the definitions of “personal vehicle” and “prearranged ride”.

**WAYS AND MEANS**

**H.5304 *INCOME TAX DEDUCTION FOR OVERTIME PAY* Rep. Long**

This bill establishes an income tax deduction equal to any overtime pay received by an individual according to the requirements of the Fair Labor Standards Act.

**The *Legislative Update* is on the Worldwide Web. Visit the South Carolina General Assembly Home Page (http://www.scstatehouse.gov) and click on "*Publications*," then click on "*Legislative Updates*." This will list all of the *Legislative Updates* by date. Click on the date you need*.* Also available on the website is a bill summary index, where bills referenced in one or more issues of the *Legislative Update* are listed in numeric order. Links to the specific text of the *Legislative Update* issue are provided in the bill summary index.**

***NOTE: THE LEGISLATIVE UPDATE IS AVAILABLE TO LEGISLATIVE TRACKING SUBSCRIBERS. YOU MAY REGISTER FOR THIS FREE SERVICE ON THE SOUTH CAROLINA GENERAL ASSEMBLY HOME PAGE BY CLICKING ON "TRACK LEGISLATION" (ON THE VERTICAL MENU BAR).***