**Vol. 34 January 24, 2017 No. 03**

**CONTENTS**

**HOUSE WEEK IN REVIEW 02**

**BILLS INTRODUCED IN THE HOUSE THIS WEEK 02**

***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**

During the initial days of the session, committees of the House Representatives began their work on legislation to report out for consideration by the full House.

The House amended, approved, and sent the Senate **H.3462**, a bill revising the election of the **BOARD OF TRUSTEES OF FLORENCE COUNTY SCHOOL DISTRICT NUMBER THREE** to extend the terms of board members to four years, stagger the terms of the members, require that the members be elected at a general election held in an even‑numbered year, and provide the process by which a vacancy is filled.

The House approved **S.42** and enrolled the legislation for ratification. The joint resolution provides for the **FORGIVENESS OF THE SCHOOL DAYS MISSED BY STUDENTS ATTENDING TOWNVILLE ELEMENTARY SCHOOL IN ANDERSON COUNTY SCHOOL DISTRICT 4** following the tragic events that occurred on September 28, 2016, by exempting them from make-up requirements.

The House approved and sent the Senate **H.3462**, a joint resolution that allows for a **WAIVER OF DAYS THAT SCHOOLS IN GEORGETOWN COUNTY SCHOOL DISTRICT MISSED DUE TO SNOW OR EXTREME WEATHER CONDITIONS**.

**BILLS INTRODUCED IN THE**

**HOUSE THIS WEEK**

AGRICULTURE, NATURAL RESOURCES AND

ENVIRONMENTAL AFFAIRS

 **H.3479 *AMERICAN INDIAN ARTISTS AUTHORIZED TO USE CERTAIN WILD***

 ***ANIMAL PRODUCTS IN ARTS AND CRAFTS* Rep. Clemmons**

This bill provides that certain American Indian artists may use wild animal products that are not prohibited by federal law in arts and crafts that are offered for sale and sold to the general public.

 **H.3517 *HUNTING AND FISHING SPECIAL AUTHORIZATION* Rep. Hiott**

The director of the Department of Natural Resources may issue special authorization for hunting and fishing to any person not more than twenty‑one years of age who has been diagnosed with a terminal or life threatening illness or injury.

 **H.3531 *Large Wild Cats, Non‑Native Bears and Great Apes***

 **Rep. Crawford**

Among many things, this bill outlines 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.

**EDUCATION AND PUBLIC WORKS**

 **H.3508 *SCHOOL START DATE* Rep. Allison**

This joint resolution provides that the opening date for students to attend public schools during the 2017‑2018 school year may be as early as Thursday, August seventeenth, at the election of the school district board of trustees.

 **H.3513 *RETIRED EDUCATOR TEACHING CERTIFICATES* Rep. Anthony**

This bill provides retired educator teaching certificates for people who meet certain criteria and provides that initial retired educator certificates are valid for thirty years and may be renewed.

 **H.3515 *SCHOOL WAIVERS (HURRICANE MATTHEW)* Rep. Erickson**

This joint resolution provides for the waiver of five or fewer days for schools in counties for which federal major disaster declarations were made as a result of Hurricane Matthew.

 **H.3520 *DISABLED CHILDREN* Rep. Atwater**

This bills provides that (beginning with the 2018‑2019 school year), a parent residing in this state may enroll his disabled child in any school district or private school in this state that he considers best capable of meeting the unique needs of his child’s disability.

 **H.3525 *AUTOMATIC LICENSE PLATE READER SYSTEM* Rep. Rutherford**

This bill provides that only certain entities may use an automatic license plate reader system, provides the locations where the system may be installed, provides how information obtained through the system may be used and provides a penalty for a violation of this provision.

**JUDICIARY**

 **H.3473 *BALANCED BUDGET CONSTITUTIONAL CONVENTION* Rep. McCoy**

The South Carolina General Assembly would call for a federal constitutional convention, in compliance with US Constitution Article V, for the purpose of developing a balanced budget amendment under this proposed legislation.

 **H.3478 *USE OF EXCESSIVE FORCE INVESTIGATIONS* Rep. Rutherford**

Prohibits law enforcement officers from using excessive force when detaining or arresting a person. Provides felony penalties for these violations. Also, establishes procedures for conducting Investigations when law enforcement used force that led to, or could have led to, severe injury or death.

 **H.3481 *DELETING ARREST RECORDS FROM WEBSITES* Rep. McCoy**

Covers any person or entity that publishes mug shots, arrest records, or booking reports of anyone, on their websites. When the criminal charges that caused these records to be created are subsequently dropped, *nolle prossed*, or rendered moot by virtue of a not guilty verdict, then these records must be removed from these posted websites within 30 days of a written request to do so. Establishes penalties for failure to remove the requested information.

 **H.3482 *COMMERCIAL SOLICITATION WITH PUBLICLY-OBTAINED PERSONAL INFORMATION* Rep. McCoy**

Adds local governments, or other political subdivisions, to current law covering state agencies and the prohibition against knowingly obtaining, or using, personal information obtained for commercial solicitations.

 **H.3483 *ASSAULT AND BATTERY OFFENSE* Rep. McCoy**

Anyone who unlawfully injures a heath care professional, while that professional is performing their authorized duties, would be committing the offense of assault and battery of a high and aggravated nature. These health care professionals include, but are not limited to, emergency medical service providers, firefighters, emergency room physicians, emergency room nurses, or allied health care workers.

 **H.3487 *DO NOT RESUSCITATE ORDERS FOR MINORS* Rep. Ridgeway**

Adds parents, or legal guardians, of minors under 18 years of age to the list of persons able to request, and revoke, do not resuscitate orders for emergency services. [Note: Since being introduced, this bill has subsequently been recalled from the Judiciary Committee and referred to the Medical, Military, Public, and Municipal Affairs Committee.]

 **H.3509 *UNLAWFULLY DISSEMINATING SEXUALLY EXPLICIT MATERIALS***

 **Rep. Norrell**

Adds the misdemeanor criminal offense of unlawful disseminating sexually explicit materials.

 **H.3511 *EXPANDED PROBATE COURT JUDICIAL AUTHORITY* Rep. McCoy**

Probate court judicial authority would be expanded to include granting permission for parties to proceed *in* *forma pauperis*. Probate judges would be required to waive filing fees for impoverished persons. Grants probate courts the discretion to waive other fees and costs. Allows joint jurisdiction between family courts and probate courts to establish, administer, or terminate special needs trusts for disabled individuals. Authorizes proceeding notices to be given via qualifying commercial delivery services, which would be considered the same as notice by registered or certified mail. Also, state probate court operations would be made more uniform with 2017 amendments to the guardianship and conservatorship; minors and others under legal disability; and adult guardianship and protective proceedings sections of the Uniform Probate Code.

 **H.3512 *DISQUALIFICATION FROM VOTING IN JUDICIAL ELECTIONS***

 **Rep. McCravy**

Disqualifies members of the General Assembly from voting in a particular judicial election, if they received contributions from candidates, or candidates’ family members, within 12 months preceding a judicial election. Disqualifies General Assembly members from voting for their own spouse.

 **H.3514 *“DARK MONEY” COMMITTEES* Rep. Norrell**

Details the factors to be considered when determining if a committee has the major purpose of supporting or opposing one or more candidates, or passage of one or more ballot measures. Requires a person, who is not a committee, and makes expenditures in excess of $500 per year to file a report with the State Ethics Commission. Prohibits direct, or indirect, coordination between elected officials, or candidates for public office, and independent expenditure-only committees. Amends the terms “committee,” “contribution,” “independent expenditure,” “noncandidate committee,” “influence of the outcome of an elective office,” “ballot measure committee,” “electioneering communication,” and “independent expenditure-only committee.” Restricts the number of campaign savings accounts candidates or committees can establish. Contribution limits would not apply to independent expenditure-only committees registered with the State Ethics Commission.

 **H.3523 *WORKERS COMPENSATION FOR FIRST AID RESPONDERS***

 **Rep. McCoy**

In workers compensation cases, law enforcement personnel, firefighters, emergency medical technicians, and paramedics are to be considered first aid responders. They would be able to claim mental illness as a compensable injury when it results from a significant traumatic experience while rendering aid on their jobs. Under existing law, stress, mental injury, and mental illness unaccompanied by any physical injury are specifically excluded from workers compensation claims.

 **H.3524 *REPORTING ABUSE OR NEGLECT TO SCDSS* Rep. McCoy**

Adds school and college administrators, coaches, firefighters, camp counselors, scout leaders, and others who have duties that require direct contact with, or supervision of, children to those who must report suspected minor abuse or neglect, when these minors are in their care.

 **H.3526 *HANDS FREE ELECTRONICS FOR DRIVERS* Rep. Hart**

Drivers will not be permitted to operate motor vehicles while using a cellular telephone, page, personal digital assistant device, or another wireless communications device that is not equipped with a hands-free mechanism, under this proposed legislation.

 **H.3530 *PERSONHOOD ACT OF SOUTH CAROLINA* Rep. Long**

Life would begin at conception, and all due process, and equal protection constitutional rights would vest upon the fertilization of a human egg.

 **H.3538 *PERSONS WITH DISABILITIES RIGHT TO PARENT ACT***

 **Rep. J.E. Smith**

Anyone with disabilities could not be denied access to SCDSS, and related agency, services under this proposed bill. SCDSS would further be charged with protecting the parenting rights of anyone with a disability. Services must include adaptive parenting equipment in appropriate cases. Parental rights could not be terminated solely on the basis of a parent’s disability.

**LABOR, COMMERCE AND INDUSTRY**

 **H.3488 *ELECTRONIC INSURANCE DOCUMENTS* Rep. Sandifer**

This bill 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 notices or documents electronically.

 **H.3518 *REQUIREMENT FOR AT LEAST THIRTY PERCENT OF A MORTGAGE***

 ***PAYMENT TO BE APPLIED TOWARD THE PRINCIPAL BALANCE OF***

 ***THE LOAN* Rep. Hart**

This bill provides that, notwithstanding another provision of law or contract, when a mortgagee makes a payment on a loan secured by a mortgage, the mortgagor shall apply at least thirty percent of the payment received toward the principal balance of the loan secured by the mortgage. A penalty is established for a violation of the requirement.

 **H.3519 *MANDATORY MINIMUM GRACE PERIOD FOR MORTGAGE***

 ***PAYMENTS* Rep. Hart**

This bill establishes provisions for a mandatory minimum grace period of twenty days for a mortgage payment. The provisions do not apply to a simple interest or other mortgage in which interest accrues daily.

 **H.3527 *DISCLOSURE REQUIREMENTS AND LIMITATIONS ON MOTOR***

 ***VEHICLE DATA RECORDING DEVICES* Rep. Hart**

This bill requires a manufacturer of a new motor vehicle that is sold or leased in this state which is equipped with an event data recorder or a sensing and diagnostic module to disclose this information in the motor vehicle’s owner’s manual and on its window sticker. The legislation requires a company that rents a motor vehicle equipped with this device to disclose its existence in the company’s rental agreement. The legislation provides that if a vehicle is equipped with a recording device that is capable of recording or transmitting certain information and that capability is part of a subscription service, the fact that the information may be recorded or transmitted must be disclosed in the subscription service agreement. The legislation restricts the use of certain data obtained by a recording device.

 **H.3528 *REQUIREMENTS FOR ELECTRICAL UTILITIES TO BURY POWER***

 ***LINES IN MUNICIPALITIES* Rep. Hart**

This bill requires an electrical utility operating in this state to bury all of its new electrical power transmission lines installed within the boundaries of a municipality in this state after January 2, 2017, and to bury all of its existing electrical power transmission lines located within the boundaries of a municipality in this state according to a graduated schedule before January 1, 2025.

 **H.3529 *GENERAL ASSEMBLY’S EXCLUSIVE AUTHORITY OVER THE***

 ***REGULATION OF AUXILIARY CONTAINERS* Rep. Bedingfield**

This bill 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. An “auxiliary container” means a bag, cup, package, container, bottle, or other packaging that is: (1) designed to be either reusable or single‑use; (2) made of cloth, paper, plastic, cardboard, expanded polystyrene, corrugated material, aluminum, glass, postconsumer recycled, or similar material or substrates, including coated, laminated, or multilayer substrates; and (3) designed for transporting or protecting merchandise, food, or beverages from a food service or retail facility.

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

 **H.3521 *“SOUTH CAROLINA COMPASSIONATE CARE ACT”* Rep. McCoy**

The bill enacts the South Carolina Compassionate Care Act” which authorizes the medical use of cannabis by certain individuals with certain diseases and medical conditions. Among many things, this bill authorizes physicians to recommend the medical use of cannabis under certain conditions.

 **H.3536 *PERSONAL EMERGENCY RESPONSE SYSTEM FOR SENIOR CITIZENS* Rep. Henegan**

As a result of senior citizens experiencing a higher incidence of falling, the legislation requires the Division of Aging, Office of the Lieutenant Governor, to fund a program to provide subsidies to senior citizens to purchase a personal emergency response system.

 **H.3487 *DO NOT RESUSCITATE ORDERS FOR MINORS* Rep. Ridgeway**

Adds parents, or legal guardians, of minors under 18 years of age to the list of persons able to request, and revoke, do not resuscitate orders for emergency services. [Note: Since being introduced, this bill has subsequently been recalled from the Judiciary Committee and referred to the Medical, Military, Public, and Municipal Affairs Committee.]

**WAYS AND MEANS**

 **H.3480 *“HURRICANE PREPAREDNESS WEEKEND”* Rep. McCoy**

This bill establishes an annual “Hurricane Preparedness Weekend” beginning 12:01 a.m. on the last Friday in May and ending at twelve midnight the following Sunday during which time a tax exemption is provided on sales of hurricane preparedness equipment and supplies, such as certain portable generators, storm shutters, tarpaulins, flashlights, batteries, and weather band radios.

 **H.3484 *STATE TAX CREDITS FOR HIRING THOSE RECEIVING***

 ***UNEMPLOYMENT COMPENSATION BENEFITS* Rep. Hart**

This bill authorizes state tax credits for employers hiring an unemployed individual receiving unemployment compensation benefits. The tax credits are allowed for eligible individuals hired after June 30, 2017, and before July 1, 2018, and extends for fifty months for each creditable employee.

 **H.3485 *PROPOSED CONSTITUTIONAL AMENDMENT RESCINDING REAL***

 ***PROPERTY VALUATION REFORM ACT PROVISIONS* Rep. Hart**

This joint resolution proposes to amend provisions of the South Carolina Constitution relating to property tax, the method of valuation of real property, and the limits on increases in the value of real property for purposes of the property tax, so as to require the General Assembly to provide by law a definition of “fair market value” for real property for purposes of the property tax, to eliminate the fifteen percent limit on increases in the value of real property over five years and to eliminate an assessable transfer of interest as an event which may change the value of the real property.

 **H.3486 *REPEAL OF “SOUTH CAROLINA REAL PROPERTY VALUATION***

 ***REFORM ACT”* Rep. Hart**

This bill repeals the “South Carolina Real Property Valuation Reform Act” with its “point of sale” valuation of real property for purposes of imposition of the property tax and largely reinstates the former systems of valuation and taxation of real property and improvements to real property.

 **H.3516 *ROAD FUNDING* Rep. Simrill**

This bill is offered as a means of providing reliable sources of revenue for addressing South Carolina’s deteriorating roads and supporting the infrastructure system needed for public safety, quality of life, and economic development. In order to increase infrastructure funding by an estimated $200 million in the first year and an estimated $600 million a year upon full implementation, the legislation increases existing fees and establishes new fees to allow for more effective collection of revenue from all those who make use of South Carolina’s roads, including out-of-state residents and businesses. The legislation provides for an increase in the state’s motor fuel user fee of 10 cents a gallon that is phased in gradually with an increase of 2 cents each year over the course of five years. The increase is expected to generate $69 million in the first year and ultimately allow for an additional $401 million each year for the state’s roads. The first 2 cents of revenue is devoted to the South Carolina Department of Transportation’s Rural Road Safety Program. A $16 dollar increase is provided for the state’s biennial motor vehicle registration fee to generate an estimated $25 million a year. New fees are established for vehicles that make little or no use of the gasoline and other motor fuels that have been the traditional revenue source for infrastructures needs. Biennial fees of $60 for hybrid vehicles and $120 for electric vehicles are established to generate an estimated $1.35 million a year. The state’s motor vehicle sales tax is eliminated and an infrastructure maintenance fee is established instead. For a vehicle purchased in South Carolina the fee is set at 5% with a cap of $500. Collected by dealers at the point of sale, the fee is expected to produce $70 million a year in revenue. For a vehicle purchased in another state and registered in South Carolina the one-time fee is set at 5% with a $250 cap. Collected by the Department of Motor Vehicles upon initial registration, the fee is expected to produce $120 million a year in previously uncaptured revenue. In order to collect revenue from out-of-state motor carriers, a motor carrier road use fee is imposed instead of property taxes. Expected to generate $9 million a year in new revenue, the fee is based on fair market value, the average statewide millage rate, an assessment ratio of 9.5%, and the portion of miles driven in South Carolina compared to total miles driven.

 **H.3522 *STATE SPENDING LIMITS AND BUDGET STABILIZATION FUND***

 **Rep. McCoy**

This bill revises state spending limits by imposing an annual limit on the state general fund revenues available for appropriation that restricts any increase to a percentage equal to the average annual percentage change from the previous ten completed state fiscal years. The legislation creates a separate Budget Stabilization Fund to which must be credited all general fund revenues in excess of the annual limit. The legislation makes provisions for the suspension of this appropriations limit in emergencies, and provides for disbursements of surplus funds.

**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).***