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**HOUSE WEEK IN REVIEW**

The House of Representatives amended, approved, and sent the Senate **H.3247**, a bill making comprehensive statutory revisions regarding **MOPEDS**. The legislation establishes new requirements for registering and licensing mopeds with the Department of Motor Vehicles. New safety requirements are established for mopeds including requirements for moped operators and passengers to wear reflective vests at night. The legislation provides that it is unlawful for a person to operate a moped on the public roads in this state that have a speed limit of greater than fifty‑five miles per hour. A moped, while traveling along a multi‑lane highway, must be operated in the farthest right lane except when making a left turn. No person may operate a moped at a speed in excess of thirty‑five miles an hour. As with motorcycles, a person under the age of twenty‑one may not operate or ride upon a moped unless he wears a protective helmet. Mopeds are exempted from ignition interlock device requirements of driving under the influence provisions. Those who sell mopeds are required to post signs that provide brief explanations of such matters as age restrictions, maximum speeds, and the definition of a moped. A moped seller is not required to obtain a motor vehicle dealer’s license. The legislation replaces the multiple, sometimes conflicting, definitions for mopeds currently found in statutes with a single new definition for mopeds and makes other revisions to allow for greater consistency in the way that the laws governing motor vehicles, including DUI offenses, are applied to mopeds.

The House approved and sent the Senate **H.3643**, a bill which provides that in reviewing, investigating, or deciding whether there has been a violation of a college or university policy prohibiting discriminatory practices on the basis of religion, South Carolina public colleges and universities shall take into consideration the **DEFINITION OF ANTI‑SEMITISM** established in this legislation for purposes of determining whether the alleged practice was motivated by anti‑Semitic intent. The legislation derives its definition from a fact sheet issued in 2010 by the Special Envoy to Monitor and Combat Anti‑Semitism of the U.S. Department of State. The legislation specifies that its provisions are not to be construed to diminish or infringe upon any free speech rights protected under the First Amendment to the Constitution of the United States or Section 2, Article I of the South Carolina Constitution, 1895.

The House amended and gave second reading approval to **H.3652**, a bill relating to **ACCEPTABLE MATERIALS FOR WATER PIPES IN LOCAL GOVERNMENT** **PROCUREMENT PROJECTS** utilizing state funds. The legislationprovides that all piping materials that comply with sound engineering practices and meet project requirements as determined by an engineer, employed or retained by a governmental body or any political subdivision, must be allowed to participate in the bidding process when a governmental agency is procuring piping materials for a water supply, wastewater, stormwater, or storm drainage project for which state funds are used. The legislation does not prohibit governmental agencies’ officials or engineers from choosing a material at their discretion for such projects. The provisions of the legislation do not apply if a supplier has pipe or piping materials suitable for a project purpose in stock or in inventory.

The House amended, approved, and sent the Senate **H.3587**, a joint resolution creating 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 approved and sent the Senate **H.3513**, a bill creating a **SOUTH CAROLINA RETIRED EDUCATOR CERTIFICATE** that may be held by a retiree who previously held a South Carolina renewable, professional educator certificate. An initial retired educator certificate is valid for thirty years. A certificate may be renewed and is valid for ten years. Renewal of a retired educator certificate does not require completion of professional learning or renewal credit. An educator who works under the retired certificate must work under a letter of agreement. Holders of such certificates are not exempt from professional development that is required by the local school district.

The House amended, approved, and sent the Senate **H.3793** a bill authorizing certain applied, non-research **DOCTORAL DEGREE PROGRAMS** at four-year colleges and universities. The legislation makes provisions for a doctoral degree in Nursing Practice at Francis Marion University, a doctor of philosophy degree in Education Administration at Coastal Carolina University, and a doctor of philosophy degree in Computer and Information Science at the College of Charleston. Approval by the Commission on Higher Education is required for all of these degree programs. The new doctoral degrees are only allowed so long as new state general funds are not appropriated for their operation.

The House returned **S.198** to the Senate with amendments. The legislation revises provisions for **MINORS OBTAINING BEGINNER'S PERMITS OR DRIVERS' LICENSES UNDER THE AUTHORIZATION OF RESPONSIBLE ADULTS** who are willing to assume the obligation imposed for the licenses or permits. In an effort to ease and normalize the procedures for adults sponsoring minors under their care for permits and licenses, the legislation expands the list of those who may sign the application for a beginner's permit or driver's license of an unemancipated minor so that it includes not only mothers, fathers, legal guardians, and adults willing to assume responsibility for the minor, but also specifically references such individuals as stepparents, individuals who have custody, care, and control of the minor, as well as foster parents, pre‑adoptive parents, or persons responsible for the welfare of the child who resides in a child caring facility or residential group care home, upon written approval by the Department of Social Services. The legislation includes provisions for obtaining beginner’s permits and driver’s licenses when DSS has guardianship or legal custody of the minor. The disclosure of information by DSS to the Department of Motor Vehicles in order to provide approval is not to be considered an unlawful dissemination of confidential information.

The House approved **S.365** and enrolled the bill for ratification. The legislation makes provisions for the Department of Motor Vehicles to issue **COASTAL CAROLINA UNIVERSITY “2016 BASEBALL NATIONAL CHAMPIONS” SPECIAL LICENSE PLATES**.

The House approved and sent the Senate **H.3256**, a bill making provisions for the Department of Motor Vehicles to issue **PALMETTO CROSS SPECIAL LICENSE PLATES** to recipients of the Palmetto Cross Medal, which is a National Guard award presented by the Adjutant General in the name of the Governor to South Carolina citizens, military or civilian, who have distinguished themselves conspicuously by extraordinary heroism at the risk of their own lives under justifiable circumstances, or who have performed exceptionally outstanding service so as to make a lasting contribution to the state or nation.

The House approved and sent the Senate **H.3861**, a bill making revisions needed for **MAINTAINING REAL ESTATE LICENSE RECIPROCITY ARRANGEMENTS WITH OTHER STATES**. The legislation revises the authority of the Real Estate Commission to recognize nonresident real estate licenses on active status from other jurisdictions which reciprocate, so as to remove the requirement that these out-of-state applicants seeking licensure in South Carolina must complete successfully the state portions of the applicable examinations before their licenses will be recognized.

The House amended, approved, and sent to the Senate **H.3792**, a bill addressing **MINIMUM STANDARDS FOR RESTROOMS AVAILABLE AT MIDDLE AND HIGH SCHOOL FOOTBALL STADIUMS**. This legislationestablishes minimum standards for the numbers of toilets and sinks available for men and women at middle school and high school football stadiums as a means of relieving public schools from the financial burden placed upon them by current requirements. The legislation’s minimum standards apply notwithstanding otherwise applicable building codes and plumbing codes.

The House amended, approved, and sent the Senate **H.3234**, a bill **ELIMINATING AN AGRICULTURAL EXEMPTION FROM THE** **RESIDENTIAL LANDLORD AND TENANT ACT**. This legislation revises exemptions to the provisions of the Residential Landlord and Tenant Act, so as to eliminate the exemption established many years ago for occupancy under a rental agreement covering the premises used by the occupant primarily for agricultural purposes. The legislation expands an exemption from the Residential Landlord and Tenant Act provided for occupancy by an employee of a landlord whose right to occupancy is conditional upon employment in and about the premises, so that the exemption also specifically includes independent contractors.

The House amended, approved, and sent the Senate **H.3649**, a bill that makes revisions to allow for greater **CONFORMITY BETWEEN THE ARCHITECTURE AND ENGINEERING PRACTICE ACTS** and eliminate ambiguity concerning the issuance of local government permits for buildings and structures.

The House gave third reading approval to **H.3358**, a bill providing for South Carolina’s **COMPLIANCE WITH THE FEDERAL REAL ID ACT** of 2005, and sent the legislation to the Senate.

The House voted to continue **H.3529**, precluding further consideration of the bill until next year. The legislation establishes the **GENERAL ASSEMBLY’S EXCLUSIVE AUTHORITY OVER THE REGULATION OF AUXILIARY CONTAINERS**, such as single-use plastic bags, disposable cups, and takeout food boxes.

**HOUSE COMMITTEE ACTION**

**LABOR, COMMERCE AND INDUSTRY**

The House Labor, Commerce and Industry Committee met on Thursday, March 9, and reported out multiple bills.

The committee gave a report of favorable with amendments on **H.3886**, a bill that enacts the **“SOUTH CAROLINA HOMEOWNERS ASSOCIATION ACT”** to establish comprehensive provisions governing the operation of homeowners associations including: new requirements for providing potential owners disclosures relating to homeowners association governing documents and financial information; provisions that homeowners association boards may not take action to add or increase HOA fees, fines, and assessments without giving required notice to homeowners; provisions that homeowners may attend meetings at which such actions are to be taken; directives for the South Carolina Real Estate Commission to offer an optional online instructional course covering the basics of homeowners association management and the rights and responsibilities of homeowners; provisions granting magistrates concurrent civil jurisdiction in certain actions between homeowners associations and homeowners; and, the creation of the Office of Homeowners Association Ombudsman in the Department of Consumer Affairs.

The committee gave a report of favorable with amendments on **H.3647**, a bill that revises provisions for vacation time sharing plans to establish new requirements that govern **RESALE VACATION TIMESHARE SERVICES**.

The committee gave a report of favorable with amendments on **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 ten thousand dollars, rather than the current maximum of twenty-five hundred dollars for such funeral expenses.

**BILLS INTRODUCED IN THE**

**HOUSE THIS WEEK**

AGRICULTURE, NATURAL RESOURCES AND

ENVIRONMENTAL AFFAIRS

**S.402 *disability licenses for hunting and fishing* Sen. Massey**

Regarding the issuance of a disability license for hunting and fishing, the bill adds a retirement system benefit from another state as a criteria.

**S.443 *AGRIBUSINESS OPERATION* Sen. Campbell**

An agribusiness operation or an agricultural packaging operation that increases its purchases of agricultural products, which have been certified as South Carolina grown is eligible to claim an income tax credit or a credit against employee withholding in an amount determined by the Coordinating Council for Economic Development.

**H.3929 *Agricultural animal facilities* Rep. Hiott**

This bill establishes specific requirements for the review and appeal process by DHEC regarding the permitting of certain agricultural animal facilities, excluding a swine facility.

**EDUCATION AND PUBLIC WORKS**

**S.79 *FIBROID TUMOR AWARENESS MONTH* Sen. Jackson**

This bill designates the month of July of each year as "Fibroid Tumor Awareness Month" to raise awareness of the impact uterine fibroid tumors have on womens’ health.

**H.3920 *REPORTING OF CHILD ABUSE* Rep. Felder**

This bill provides that beginning with the 2018-2019 school year, all public schools, including charter schools, shall post at least five signs that provide telephone numbers and related information for reporting incidents of child abuse, neglect, and exploitation.

**H.3933 *DEALER LICENSE PLATES* Rep. Willis**

This bill provides that the Department of Motor Vehicles shall supply an additional two license plates to a full-service dealer who can demonstrate the presence of a service garage at his dealership.

**H.3937 *DEALER LICENSE PLATES* Rep. Allison**

This bill relates to the issuance of motor vehicle dealers' license and demonstration plates, so as to provide that a dealer license plate may be used by a person whose vehicle is being serviced or repaired by the dealership.

**H.3945 *SCHOOL BUS LAP SEAT BELTS* Rep. Robinson-Simpson**

This bill provides that all school buses put into service after August 1, 2020, must be equipped with lap seat belts for all permanent seating accommodations.

**H.3956 *DRAINAGE MAINTENANCE* Rep. Ott**

This bill provides that the Department of Transportation must maintain any outfall or drainage ditch that was constructed by the Department as part of a state highway construction project.

**JUDICIARY**

**S.213 *JOINT LEGISLATIVE SCREENING COMMISSION* Senator Peeler**

Creates a Joint Legislative Screening Commission. This commission will consider the qualifications of candidates for trustee to state colleges, universities, the Old Exchange Building Commission, and our Wil Lou Gray Opportunity School. Sets up membership requirements and committee responsibilities.

**S.340 *SOUTH CAROLINA POET LAUREATE* Senator Sheheen**

The South Carolina Arts Commission would provide the Governor with recommendations of qualified candidates, their terms of office, as well as duties for the state poet laureate. Our state poet laureate could be reappointed only one time.

**H.3896 *REAL PROPERTY MAINTENANCE* Rep. Duckworth**

Authorizes counties to establish standards for residential or commercial property upkeep and any notification processes to alert property owners to conditions needing correction.

**H.3897 *REQUIREMENTS FOR A NAME CHANGE* Rep. D.C. Moss**

Anyone petitioning for a name change would have to attach an affidavit proving they were a resident for at least one year prior to filing their petition. Out-of-state petitioners must have criminal background checks from their last address.

**H.3898 *BIOLOGICAL GRANDPARENTS ACCESS TO INFORMATION***

**Rep. Knight**

Allows adoption agencies to release certain information about adoptees to biological siblings and biological grandparents, in addition to adoptive parents and biological parents as set out in current law.

**H.3918 *ASSET FORFEITURE AND PRIVATE PROPERTY PROTECTION ACT***

**Rep. Clemmons**

The “Asset Forfeiture and Private Property Protection Act” contains necessary definitions and subjects certain property to forfeiture after owners are criminally convicted. Allows the state to petition for substitute property in certain circumstances. Allows a state entity to transfer a criminal investigation to federal authorities. Requires law enforcement officers who seize property to give an itemized receipt for it. Property owners have the option to post bonds or give up substitute property for what has been seized. Anyone with a particular property interest may petition the Attorney General to remit, or mitigate, it. Defendants can move to separate their criminal trials and any civil forfeitures. Property owners may appeal any forfeiture that is deemed unconstitutionally excessive. A *bona fide* security interest is generally not subject to forfeiture. All state law enforcement agencies will have to submit annual seizure and forfeiture reports to the Attorney General.

**H.3919 *SOUTH CAROLINA SERVICEMEMBERS CIVIL RELIEF ACT***

**Rep. J.E. Smith**

The “South Carolina Service Members Relief Act,” expands the rights, benefits, and obligations of Service Members and their dependents as set forth in the federal Servicemembers Civil Relief Act. Authorizes the Attorney General to bring a civil action for any intentional violations of the Act. Establishes penalties. Requires the Adjutant General to post certain information about the Act on the South Carolina National Guard website.

**H.3921 *SOUTH CAROLINA ANTI-MONEY LAUNDERING ACT***

**Rep. Clemmons**

Revises the “South Carolina Anti-Money Laundering Act,” to make the specific provisions immediately effective.

**H.3925 *COMMON-LAW MARRIAGE ACT* Rep. Spires**

Common-law marriages would no longer be valid in South Carolina after January 1, 2018. Existing common-law marriages established prior to that date would continue to be recognized.

**H.3930 *CONSTITUTIONAL HANDGUN CARRYING* Rep. Pitts**

Prohibits a person from carrying a handgun into certain places without the permission of its owner or a person in control of those premises. Revises sections relating to unlawful and lawful handgun possession, including on school property. Also revises the issuance of concealable weapon permits [CWP’s]. CWP’s would not be required in order for residents to carry weapons concealed or openly. Carrying a handgun with intent for unlawful use would remain illegal.

**H.3932 *LIQUOR LIABILITY INSURANCE* Rep. Herbkersman**

Requires anyone licensed to sell alcoholic beverages, for on-premises consumption, to maintain either a liquor liability insurance policy, or a general liability insurance policy with a liquor liability endorsement. This insurance must have at least $1,000,000 coverage while the biennial permit or license is effective.

**H.3946 *JUVENILE JUSTICE* Rep. Erickson**

Eliminates the exception for children to be tried as adults. Decreases the time a child may be held for any court order violations, for status offenses, from 72 to 48 hours. Requires children, and their family, to seek counseling when status offenses are due to incorrigibility. Distinguishes between status and criminal offenses. Creates an automatic expungement process for any juvenile’s status offense records, with exceptions.

**H.3947 *SUPPORTING AND STRENGTHENING FAMILIES ACT* Rep. Erickson**

The “Supporting and Strengthening Families Act,” would allow parents and persons with legal custody of a child to delegate caregiving authority via a properly signed power of attorney. Requires the SC Department of Social Services to provide certain information about community support services to a parent when a child is not placed outside of the home. Noncustodial parents must be notified of these proceedings.

**H.3948 *SEX OFFENDER REGISTRY* Rep. Erickson**

Family courts will be given discretion to allow a child 14 years or older to be placed on the sex offender registry. Prohibits family courts from placing a child under 14 years of age on this registry. Allows anyone required to be placed on the registry to petition the court for removal after turning 21 years old. Sex offenders’ registry information will be available only to victims, witnesses, schools, childcare facilities, and other listed businesses.

**H.3955 *HATE CRIME REVISIONS* Rep. Gilliard**

Provides penalties for anyone convicted of a crimes accompanied by an intent to assault, intimidate or threaten people because of their race, religion, color, sex, age, national origin, sexual orientation, or homelessness. Revises the penalties for malicious injury to real property offenses, and provides additional penalties for malicious injury of personal or real property of anyone with intent to assault, intimidate, or threaten that person.

**LABOR, COMMERCE AND INDUSTRY**

**S.279 *“APPRAISAL MANAGEMENT COMPANY REGISTRATION ACT”***

**Sen. Alexander**

This bill enacts the “Appraisal Management Company Registration Act” to provide for registration establish other requirements for appraisal management companies.

**S.315 *MITIGATION OF PROPERTY LOSSES DUE TO FLOOD* Sen. Cromer**

This bill revises provisions governing the Hurricane, Earthquake, and Fire Advisory Committee, so as to authorize the advisory committee to address the mitigation of property losses due to flood. The legislation revises loss mitigation grant program provisions, so as to establish that grants may be made to local governments to mitigate losses and provide technical assistance for the development of proactive hazard mitigation strategies and to allow the Department of Insurance to accept grants in aid for the mitigation of losses for eligible properties. The legislation revises South Carolina Hurricane Damage Mitigation Program provisions, so as to: establish certain criteria that a residential property must meet in order to be eligible for a nonmatching grant; prohibit the program from issuing a grant for a residential property exceeding five thousand dollars; allow for matching grant funds to be made available to local governments and nonprofit entities under certain circumstances; and, establish a formula for determining nonmatching grant awards based on an applicant’s household income.

**S.366 *MORTGAGE LENDING REVISIONS* Sen. Cromer**

This bill revises provisions governing the mortgage lending industry.

**H.3932 *LIQUOR LIABILITY INSURANCE POLICY REQUIREMENTS***

**Rep. Herbkersman**

This bill establishes requirements for those permitted or licensed to sell alcoholic beverages for on‑premises consumption to maintain a liquor liability insurance policy or a general liability insurance policy with a liquor liability endorsement for a total coverage of at least one million dollars during the period of the biennial permit or license.

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

**H.3926 *PHARMACY PRACTICE ACT* Rep. Spires**

Among many things, this bill revises minimum good compounding practices. It also requires pharmacist to perform a final check on a preparation compounded by a pharmacy technician.

**WAYS AND MEANS**

**S.351 *INCOME TAX CREDIT FOR PROVIDING HEALTH CARE IN***

***UNDERSERVED AREAS* Sen. Alexander**

This bill makes provisions for an income tax credit for each clinical rotation served by a physician, advanced practice nurse, or physician assistant as a preceptor for certain programs.

**S.381 *UNSTAMPED CIGARETTE PACKAGES CONSIDERED CONTRABAND***

**Sen. Alexander**

This bill makes provisions for cigarettes found at any point not having affixed to the package the required stamps to be considered contraband.

**S.394 *RETIREMENT SYSTEM FUNDING AND ADMINISTRATION***

**Sen. Sheheen**

This bill implements recommendations of the joint legislative committee formed to study the unfunded liability facing the state retirement systems and propose changes that could allow the state’s pensions to remain viable by continuing to deliver benefits to retirees without undermining the state’s finances.

**H.3895 *DUTIES OF THE REVENUE AND FISCAL AFFAIRS OFFICE***

**Rep. Herbkersman**

This bill reorganizes provisions governing revenue and fiscal affairs, eliminating certain divisions. The legislation revises provisions relating to the preparation of fiscal impact statements, so as to require the statements to be certified by the Executive Director of the Revenue and Fiscal Affairs Office. The legislation revises provisions relating to health coverage impact statements, so as to require the Department of Insurance to conduct the analysis. The legislation revises provisions relating to distributions from a local option sales and use tax, so as to require the Department of Revenue to furnish data to the State Treasurer, and to require the Revenue and Fiscal Affairs Office to provide certain assistance. The legislation revises provisions relating to financial reports from counties and municipalities, so as to delay the reports until March fifteenth. The legislation revises provisions relating to the South Carolina 911 Advisory Committee, so as to allow the Executive Director of the Revenue and Fiscal Affairs Office to appoint a member. The legislation revises provisions relating to the South Carolina Geodetic Survey, so as to delete obsolete references. The legislation revises provisions relating to the Data Oversight Council, so as to delete obsolete references, and to revise the composition of the council. The legislation revises provisions relating to the Department of Health And Human Services, so as to delete an obsolete reference; to redesignate certain sections of the code; and to repeal certain code sections all relating to the duties of the Revenue and Fiscal Affairs Office.

**H.3922 *RURAL COUNTY TRANSFORMATION FUND* Rep. Anthony**

This bill creates the Rural County Transformation Fund to be used only to provide financial assistance to rural counties. The legislation: makes provisions for the disbursement of funds; requires each eligible county to form a project committee to submit projects to the county council for approval; and establishes reporting requirements on funds received.

**H.3923 *AUTHORIZATION FOR NONPROFIT CORPORATIONS TO TRANSFER***

***TAX CREDITS* Rep. Weeks**

This bill revises provisions relating to tax credits, so as to authorize a nonprofit corporation to transfer credits unless the transfer of a credit is specifically prohibited.

**H.3927 *INTEREST RATES ON BONDS ISSUED TO FINANCE INDUSTRIAL***

***DEVELOPMENT PROJECTS UNDER THE SOUTH CAROLINA***

***JOBS‑ECONOMIC DEVELOPMENT FUND ACT* Rep. Simrill**

This bill eliminates the requirement that the State Fiscal Accountability Authority approve interest rates on bonds issued to finance industrial development projects under the South Carolina Jobs‑Economic Development Fund Act and specifies that approval of these interest rates by the South Carolina Coordinating Council for Economic Development is not required.

**H.3928 *VALIDATING AND VERIFYING STATE RESIDENTS, HOUSEHOLDS,***

***AND BUSINESSES* Rep. Loftis**

This bill requires all state agencies to use a single third party original source compiler and publisher of unencumbered address data for purposes of validating and verifying state residents, households, and businesses, and directs the Chief Information Officer of the State Fiscal Accountability Authority, with the input of affected agencies, to procure such a compiler and publisher in the manner required by the South Carolina Consolidated Procurement Code.

**H.3931 *EXPENDITURE REPORTS FOR NONPROFIT CORPORATIONS***

***RECEIVING PUBLIC FUNDS* Rep. Herbkersman**

This bill establishes requirements for certain nonprofit corporations that receive more than one hundred dollars in public funds to submit quarterly expenditure reports to the awarding jurisdiction. The awarding jurisdiction is required to make these reports available to the public.

**H.3934 *TAX CREDITS FOR PRIVATE SCHOOL TUITION AND HOME***

***INSTRUCTION* Rep. S. Rivers**

This bill makes provisions for a tax credit up to a five thousand dollars for a parent or guardian who teaches a qualifying student at home for instruction‑related expenses, and for a tax credit of up to a five thousand dollars for a parent for tuition paid to an independent school on behalf of their child.

**H.3935 *“SOUTH CAROLINA CHOICE SCHOLARSHIP ACT”* Rep. S. Rivers**

This bill enacts the “South Carolina Choice Scholarship Act” to enable nonprofit organizations to provide scholarships to pay the education costs of a student to attend public schools or nonpublic schools under certain circumstances. The legislation provides for the Department of Education to administer these provisions. The legislation provides that these scholarships may not be treated as income or a resource for the purposes of qualifying for any other federal or state grant or program administered by the state or a political subdivision.

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