**Vol. 35 January 16, 2018 No. 02**

**CONTENTS**

**HOUSE WEEK IN REVIEW 02**

**BILLS INTRODUCED IN THE HOUSE THIS WEEK 03**

***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**

Lawmakers returned to the State House on January 9, 2018, to commence the second regular session of the 122nd South Carolina General Assembly.

The House of Representatives took up the Governor’s vetoes on **H.3720**, the General Appropriation Bill for the Fiscal Year 2017-2018 **STATE GOVERNMENT BUDGET**. In addressing vetoes, legislators had to contend with a revenue shortfall that has left the state with approximately $34 million less in non-recurring spending than the estimates from the Board of Economic Advisers that were used in approving the budget. The House voted to sustain some of the Governor’s vetoes, including $4.9 million in nonrecurring revenue allocated to the Department of Health and Human Services to support various medical contracts. The House voted to override vetoes on other items, including Education Lottery Funds devoted to leasing and purchasing new school buses in the amount of $17.5 million from the Lottery Expenditure Account and $3 million in unclaimed prize money along with whatever balance may remain in the unclaimed prize fund. Vetoes that the House voted to override have been sent to the Senate for consideration.

The House approved **S.456**, addressing **SOUTH CAROLINA TECHNICAL COLLEGE MOTORCYCLE SAFETY COURSES**, and enrolled the bill for ratification. The legislation provides that a person who holds a motorcycle beginner’s permit who has failed the motorcycle driver’s license test three or more times must successfully complete a South Carolina Technical College motorcycle safety course, or its equivalent, in lieu of passing the motorcycle driver’s license test, in order to obtain a motorcycle license. All courses must be at least eight hours in length and be taught by an instructor accredited through a training program in which the procedures for accreditation are equivalent to those set forth in ‘Manual of Rules and Procedures’ published by the National Safety Council. All courses must include successful completion of an examination equivalent to the Department of Motor Vehicles motorcycle skills test. The legislation also provides that any driver with a Class M (motorcycle) endorsement who has accumulated driver’s license points shall have the number of his points reduced by four upon proving to the satisfaction of the Department of Motor Vehicles that he has successfully completed an accredited South Carolina Technical College motorcycle safety course or its equivalent. No person’s points may be reduced more than one time in any three‑year period using these provisions.

The House amended, approved, and sent the Senate **H.4036**, a bill **AUTHORIZING THE STATE INSPECTOR GENERAL TO CONDUCT FINANCIAL AUDITS OF LOCAL PUBLIC SCHOOL DISTRICTS** at the request of state or local public officials who have complaints of possible school district financial mismanagement. The legislation expands the State IG’s authority to perform government audits by providing that the State Inspector General, for good cause shown upon request of any state or local public official or entity, may conduct financial and forensic audits of school districts. Audits must be completed and copies furnished to the relevant parties at the conclusion of the fiscal year following when the request was made, unless the State Inspector General explains in writing to the requesting parties compelling reasons why the audit cannot be completed during this time frame.

**BILLS INTRODUCED IN THE**

**HOUSE THIS WEEK**

AGRICULTURE, NATURAL RESOURCES AND

ENVIRONMENTAL AFFAIRS

**H.4594 *DOG SHELTER* Rep. Huggins**

The bill outlines the definition of “dog shelter” as it relates to animal cruelty and the abandonment of animals. The bill states that “dog shelter” means a moisture-proof and windproof structure of suitable size to accommodate a dog and allow retention of body heat. It must be made of durable material with a solid, moisture-proof floor or a floor raised at least two inches from the ground. The structure must be provided with a sufficient quantity of suitable bedding material consisting of hay, straw, cedar shavings, blankets, or the equivalent, to provide insulation and protection against cold and dampness and promote retention of body heat.

**EDUCATION AND PUBLIC WORKS**

**H.4596 *COMPETENCY‑BASED SCHOOLS* Rep. Collins**

This bill provides a process for the exemption of competency‑based schools from certain applicable laws and regulations, and provides related requirements for competency‑based schools, the State Department of Education, and the Commission on Higher Education.

**JUDICIARY**

**H.4595 *DR. BENJAMIN E. MAYS MONUMENT COMMISSION*** **Rep. Parks**

This joint resolution proposes the creation of the Dr. Benjamin E. Mays Monument Commission. Lifts the current Capitol Complex monument moratorium to allow this work to proceed. Sets out Commission membership, duties, and related administrative organization.

**H.4598** ***CONCEALED WEAPON CARRY IN SCHOOLS LEASED BY CHURCHES* Rep. Thayer**

Would allow concealed weapon permit holders to carry a concealable weapon on school property leased by a church. Carrying a concealed weapon could only occur during church services or other official church activities conducted pursuant to the lease terms. Church governing bodies must grant express permission in order for permit holders to do so.

**H.4599 *DUI-RELATED DRIVING RECORD ENTRY EXPUNGEMENTS***

**Rep. Rutherford**

Drivers who have had their licenses suspended for failure to submit to testing for alcohol concentration, were issued a temporary driver's license, or were required to install a motor vehicle ignition interlock device as part of a DUI case reflected on their driving records would be subject to this proposed legislation. In the event these drivers are later acquitted of driving with an unlawful alcohol concentration, driving under the influence, or felony driving under the influence charges, then these driving record entries would have to be removed.

**H.4609 *CUTTING TIES WITH THE COUNCIL ON AMERICAN ISLAMIC RELATIONS* Rep. Clemmons**

This House Resolution beseeches all governmental agencies--including law enforcement-- to suspend any contact with the Council on American Islamic Relations due to its relationship with HAMAS.

**H.4615 *IMPOSING DEATH SENTENCES BY ELECTROCUTION* Rep. Pitts**

Anyone convicted of a capital crime and sentenced to death would be electrocuted. However, if they elect to die by lethal injection, and the necessary chemicals are available at the time that election is made, that is how their sentence would be carried out. Any circumstance preventing death by lethal injection would mean their sentence would be effected by electrocution instead.

**LABOR, COMMERCE AND INDUSTRY**

**H.4569 *“RESTAURANT STAFF APPRECIATION MONTH”* Rep. Gilliard**

This bill designates the month of February of every year as “Restaurant Staff Appreciation Month” in order to recognize the contributions of those who tirelessly give to serve others and to encourage the citizens of South Carolina to tip a minimum of fifteen dollars during February.

**H.4591 *RESIDENT VENDOR PREFERENCE IN GOVERNMENT CONTRACTING***

***FOR A BUSINESS OWNED BY A SERVICE‑DISABLED VETERAN***

**Rep. D. C. Moss**

This bill expands resident vendor preferences under the state’s Consolidated Procurement Code to provide that a business owned by a service‑disabled veteran residing in this state shall receive a five percent preference through the use of set‑asides on contract awards where the awarding procurement officer determines the business is otherwise qualified to perform the requirements of the contract.

**H.4612 *SURETY BONDS FOR APPLICANTS FOR GENERAL AND***

***MECHANICAL LICENSURE* Rep. Sandifer**

This bill provides that applicants for general and mechanical licensure subject to financial statement requirements may instead provide certain surety bonds.

**H.4613 *JOINT MEMBERSHIP IN AN ELECTRIC COOPERATIVE* Rep. Fry**

This bill permits a joint membership in an electric cooperative subject to certain requirements and procedures.

**H.4614 *“SOUTH CAROLINA NET NEUTRALITY PRESERVATION ACT”***

**Rep. McKnight**

This bill enacts the “South Carolina Net Neutrality Preservation Act”. The legislation provides that a telecommunications or internet service provider engaged in the provision of broadband internet access service publicly shall disclose accurate information regarding the network management practices, performance, and commercial terms of its broadband internet access services sufficient for consumers to make informed choices regarding use of such services and for content, application, service, and device providers to develop, market, and maintain internet offerings. The legislation prohibits certain practices by telecommunications or internet service providers engaged in the provision of broadband internet access service in South Carolina. The legislation provides that violations of this act are not reasonable in relation to the development and preservation of business and constitute an unfair or deceptive act in trade or commerce and an unfair method of competition for the purpose of applying the South Carolina Consumer Protection Code. The legislation provides that a public entity may not enter into a contract with a telecommunications or internet service provider engaged in the provision of broadband internet access service in South Carolina unless the contract includes a representation that the telecommunications or internet service provider is not currently engaged in, and an agreement that the telecommunications or internet service provider will not engage in, those practices prohibited by this act.

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

**H.4590 *AURICULAR DETOXIFICATION THERAPY* Rep. Felder**

Currently, auricular detoxification therapy takes place under direct supervision of a licensed acupuncturist or a person licensed to practice medicine. This bill revises the language to require the auricular detoxification therapy to be under general supervision of a licensed acupuncturist or a person licensed to practice medicine.

**H. 4597 *SALE OF AN ENERGY DRINK TO A MINOR* Rep. Howard**

The legislation adds that it is unlawful for an individual to sell, furnish, give, or distribute an energy drink to a minor under the age of eighteen years. The legislation outlines that “energy drink” means a soft drink that contains a minimum of eighty milligrams of caffeine per nine fluid ounces and contains methylxanthines, B vitamins, or herbal ingredients.

**H.4600 *THE AUTHORIZATION OF CERTAIN COMMUNITY ORGANIZATIONS TO DISTRIBUTE OPIOID ANTIDOTES TO A PERSON AT RISK***

**Rep. Huggins**

A community distributor acting in good faith may distribute an opioid antidote pursuant to a written prescription or standing order by a prescriber. Community distributor’ means an organization, either public or private, which provides substance use disorder assistance and services, such as counseling, homeless services, advocacy, harm reduction, alcohol and drug screening, and treatment to individuals at risk of experiencing an opioid‑related overdose.

**H.4601 *ADDICTION COUNSELORS* Rep. Frye**

The bill adds addiction counselors to the board regulation of professions and occupations, requiring licensure and board certified.

**H.4602 *ADMINISTERING OF OPIOIDS* Rep. Henderson**

The bill requires hospital emergency physicians and pharmacists to submit certain information to the Department of Health and Environmental Control for inclusion in the prescription monitoring program when a person is administered an opioid antidote.

**H.4603 *INITIAL OPIOID MEDICATION PRESCRIPTIONS* Rep. Bedingfield**

The bill outlines that initial opioid prescriptions for acute pain management or postoperative pain management must not exceed a five‑day supply, except when clinically indicated for chronic pain, cancer pain, hospice care, palliative care, or medication‑assisted treatment for substance abuse. This does not apply to opioid prescriptions issued by a practitioner who orders an opioid prescription to be wholly administered in a hospital, nursing home, hospice facility, or residential care facility.

**WAYS AND MEANS**

**H.4530 *ACQUISITION OF TAX EXEMPT PROPERTY BY A CHARITABLE***

***ORGANIZATION* Rep. Bradley**

This bill revises property tax exemption provisions, so as to provide that if a qualifying charitable organization acquires property that will be exempt, then the exemption takes effect upon the acquisition of the property.

**H.4534 *REGULATION OF PAWNBROKERS* Rep. Duckworth**

This bill provides that counties or municipalities may enact ordinances requiring the payment of fees or taxes related to pawn transactions or purchases, and provides that the authority of a county or municipality to establish land use controls or require a pawnbroker to obtain a local occupational license is unaffected. The legislation removes a prohibition on authorized pawnbroker fees. The legislation revises provisions relating to recordkeeping and miscellaneous requirements of pawnbrokers, so as to require certain digital records and to provide all pledged items must be held for twenty‑one days. The legislation revises provisions relating to records pawnbrokers shall maintain for inspection by certain public officials, so as to provide municipalities or county governments may enact local regulations requiring the pawnshops to provide or transfer the pawn records by electronic data transfer to a law enforcement database. The legislation revises provisions relating to hold orders, so as to remove the existing provisions and provide law enforcement shall seize suspected stolen or misappropriated property in the possession of a pawn shop. The legislation provides that a pawnbroker’s release of such property to law enforcement does not constitute waiver of the pawnbroker’s interest in the property. The legislation provides that pledgors shall pay restitution for stolen goods pledged to pawnbrokers upon the completion of related criminal proceedings involving the stolen pledged property. The legislation establishes criminal penalties for certain violations concerning pawn tickets. The legislation repeals certain existing authority of counties and municipalities regarding pawnbrokers.

**H.4593 *“RURAL REVITALIZATION ACT”* Rep. Bamberg**

This bill enacts the “Rural Revitalization Act” to establish a South Carolina Individual Income Tax deduction for all income attributable to certain employment in a Tier IV County. The deduction is allowed for five years, and the taxpayer is required to reside in a Tier IV County in order to be eligible.

**H.4610 *FREEHOLDER PROCEDURE FOR THE CREATION OF A SPECIAL TAX***

***DISTRICT* Rep. Clemmons**

This bill revises the freeholder procedure for the creation of a special tax district under provisions specifying powers of county government.

**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).***